HOW TO CAPTURE AND GOVERN GIBRALTAR.

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A

VINDICATION OF CIVIL GOVERNMENT

AGAINST THE ATTACKS OF

THE EX-GOVERNOR

SIR ROBERT GARDINER, K.C.B., ETC.,

IN HIS

SECRET AND UNLICENSED REPORT

RECENTLY PUT INTO CIRCULATION.

IMPATIENS FRŒNI, ET SINE LEGE TYRANNUS

LONDON:

RICHARDSON BROTHERS, 23, CORNHILL.

1856.

" WHAT is military law? Military law, as applied to any " persons, excepting the officers, soldiers, and followers of the " army, for whose government there are particular provisions of " law in all well-regulated countries, is neither more nor less " than the will of the General of the army. He punishes, " either with or without trial, for crimes either declared to be " so, or not so declared by any existing law, or by his own " orders. This is the plain and common meaning of the term " MILITARY LAW. It is wrong in principle to invest military " men with civil or absolute matters."

Duke of Wellington.

" Cæsar's world is no world for me !"

CONTENTS.

PAGE

Dedication vii

Introductory 3

Civil Agitation for Colonial Government................ 50

Quarantine and Smuggling 76

Our original Treaty Obligations with Spain concerning Gibraltar.. 96

The Plan of the Night Attack on Gibraltar revealed...... 122

Conclusion 131

APPENDIX :—

A. Colonel Bennett's Statement of the Cause of Gibraltar being declared to be a FREE PORT 147

B. Executive Functions of a Governor defined.—The Case of Fabrigas *v.* Mostyn 148

C. Statistical Returns of Revenue and Expenditure of Gibraltar.................................... 153

D. Peculation and Tyranny of Governors of Gibraltar 156

E. Order in Council, dated June 19th, 1850........ 160

APPENDIX—*continued.*

PAGE

F. Quarantine.—Dr. Baly's Report 161

G. Quarantine.—Spanish Royal Organic Order...... 165

H. Royal Letter of George I. 169

I. Treaty of Utrecht 170

K. Account of the Proceedings of the Deputation in 1853-4 172

L. Piratical Depredations of the Spanish Guarda-Costas from Algeçiras 173

M. Night Attack on Gibraltar 177

TO THE

PRESIDENTS, VICE-PRESIDENTS, AND MEMBERS

OF THE

CHAMBER OF COMMERCE,

AND

COMMERCIAL ASSOCIATION

OF

MANCHESTER.

GENTLEMEN,

THE vast domestic and foreign trade which centres in Manchester, and the conspicuous efforts made by its enterprising merchants in the cause of Free Trade, have placed that City foremost, amongst the great commercial communities of the world.

If the history of our more ancient Corporations is connected with the long and arduous struggles for Civil Liberty, that of Manchester is inseparably identified with the establishment of Commercial Freedom.

The public, therefore, look to Manchester as the first great Arbiter, in all questions affecting our domestic, international, or colonial commerce.

Sir Robert Gardiner, K.C.B., ex-Governor of Gibraltar, has recently issued from the press, and

distributed extensively, a violent unauthorised publication, in which he once more assails the Freedom of the Port of Gibraltar. The legitimate trade between that Port and Spain, and with the countries bordering the Mediterranean, is stigmatised as a nefarious traffic, stained with vice and crime; and the honorable merchants who carry on this commerce, many of them connected with Manchester, are loaded with opprobrious epithets, and described as being plunged in deep-rooted moral turpitude. The Chief Minister of the Crown is urged in imploring terms, to take instant measures without reference to Parliament—by a stroke of the pen—to destroy the Freedom of the Port, to deprive the inhabitants of their Charter of Justice, and to place their lives, liberties, and property, at the mercy of a military despot, wielding the power of government, under undisguised martial law.

In one sentence I pronounce the publication of Sir Robert Gardiner, to be alike an opprobrium upon the pen of a British officer, and upon the age in which we live.

In the following pages I have endeavoured to supply an antidote to the poison thus perseveringly administered.

I have unavoidably been compelled to dwell at length upon points of local history, which, however,

I trust, will not be without general interest to the friends of Free Trade, and to the supporters of Civil Liberty, both at home and in our colonies.

My labours cannot be more appropriately dedicated than to the Gentlemen who watch over the Commerce of the City of Manchester.

Having brought the subject fearlessly before the public, I leave the issue in their hands. The effectual aid already extended by the Commercial Bodies of Manchester, to obtain for the Traders at Gibraltar full redress of their grievances, has ever been most gratefully appreciated. The Merchants of the United Kingdom, and the people of Manchester especially, whose relations extend to every quarter of the globe, will not ignominiously permit the great free Emporium of their Trade at Gibraltar, the key of the Commerce of the Peninsula and the Mediterranean, to be destroyed, without putting forth a concentrated effort, to prevent such a wanton sacrifice of property and commercial position, at the officious instigation of a capricious military despot.

I have the honor to be,

GENTLEMEN,

With respect,

Your obedient, humble Servant,

THE AUTHOR.

London, October, 1856.



HOW TO CAPTURE GIBRALTAR,

ETC. ETC.

THE eccentricities of an ex-governor of a colony form one of the most curious studies, in which an observing politician can be employed, whilst watching the vivarium of the human species. The fantastic tricks of a restless and fitful governor make even the tutelary angels of the Colonial Office weep, not so much for the perpetration of his freaks and follies, as for the necessity they are under of defending them in Parliament. A military governor of the Queen's distant Dependencies arrogates almost boundless power. He has daily, but too many opportunities of exercising multifarious dictatorial petty acts, which, when they affect the liberty of the subject, the administration of justice, or are indeed connected with the discharge of any important delicate civil functions, exhibit not unfrequently the sad spectacle of a military officer abusing the power with which he is invested.

A 2

Such was the authoritative opinion of the greatest military man of modern times,—a man of profound wisdom, reflection, and experience,—the Duke of Wellington. The business of all the minor distant British possessions, is generally carried on *à tambour battant*. When these military martinets are relieved from their duties, and the colonists from their intolerable misgovernment, our ex-governor returns home to England, bringing with him a discontented, repining, and contentious spirit. Accustomed to absolute command, and to instant and unlimited obedience, he cannot himself brook the accents of reproof. His disappointed ambition and abortive schemes, frustrated perhaps by the wisdom, or inertness of the Home authorities, become chronic grievances, wherewith to assail and annoy the public, or the officials of Downing-street, upon whom our splenetic ex-governor vents all his vain and impotent wrath. He bombards them with remonstrances, memorials, after-dinner speeches, and, above all, with printed pamphlets of heavy calibre. Whilst in the exercise of authority over our colonies, the present generation has seen various governors,—whose appointment to such commands have been greatly deprecated by the public,—exhibit a very deplorable want of good sense, which, after all, is the chief essential element in the qualifications for colonial administration. At no distant period, we have seen

a colony, the brightest jewel in the British Crown, brought to the verge of a rebellion, accelerated, if not incited, by absurd proceedings, which have consigned an otherwise very popular and able man to merited seclusion and political oblivion. We have seen only within the last year, an ex-governor make shipwreck of his well-earned fame, simply by delivering foolish, factious, after-dinner speeches, disfigured by selfish adulation, and party animosity. Indeed, distinguished heroes in the camp, whose military fame will endure throughout all time, when they have ventured in their old age, to go simpling into the field of politics, have only endangered their laurels. Whilst wielding their swords in their proper sphere of action against the enemy, they are great, admirable heroes. But, too often, when they meddle with the no less keen weapons employed in civil warfare, which they know not how to handle, they make sad havoc of their reputation. It has been reserved, however, for the ex-governor of Gibraltar, Sir Robert Gardiner, K.C.B., &c. &c. &c., to out-herod all the previous exploits of military governors. After having been relieved from a position in which Her Majesty's Secretary of State, had officially declared that "*he* HAD COMPROMISED *the* DIGNITY *and* AUTHORITY *of the* QUEEN'S GOVERNMENT," Sir Robert Gardiner has ventured once more before the public, in a manner which every right-

minded observer of the conduct of public men must equally deplore and condemn.

I am well aware that the study and consideration of Colonial affairs are but little inviting, if even they are not positively distasteful, to the greater part of the community. The majority of my countrymen are utterly absorbed in the pursuit of wealth; and the party politics which form the daily *pièces de resistance* of newspaper literature, are dished up for the most part with popular palatable stimulants, best adapted to suit the prevailing taste in the home market exclusively; unless, therefore, Gibraltar were placed in alarming imminent danger, from some overt act of violence within, or without its walls, to attempt to force attention to the affairs of the Rock, through the newspaper press would be fruitless. In the hope, however, that these pages, may find "a fit audience, though few," amongst that class of reflecting men, and governing politicians, who are the real rulers of the destinies of the empire, I shall at once proceed to state my case against the military ex-governor of Gibraltar, who openly and avowedly seeks to destroy all traces of civil government in the City, Garrison, and Territory of that important possession; to expel the mercantile community; and to substitute, in lieu of the mild and just laws of Great Britain, a government of the sword. My object is to leave

things as they are; Sir Robert Gardiner aims at placing the administration of the affairs of Gibraltar in the hands of one irresponsible military man.

"Impatiens frœni, et sine lege tyrannus."

That is the issue between us. Without further preface I shall open my case.

It might be supposed, that I am undertaking a very superfluous task in maintaining the principle in the year 1856, under the beneficent and constitutional sway of Queen Victoria, that the civil government of our foreign possessions, resting upon a basis of equal and immutable laws, is preferable in all cases to the wilful, domineering, iron, despotic, irresponsible rule of one man. But, before I have done, I shall demonstrate to my readers, that not only, is it very necessary to controvert the dangerous dogmas, which Sir Robert Gardiner has propounded in his late work, but, moreover, to show distinctly, from the example of his mal-administration in Gibraltar, that responsible government is essential to the well-being of society in that limited spot; whilst, in the more enlarged sphere of general civil liberty, affecting the distant dominions of the Queen's Empire, it is a public duty to expose to the whole world, the efforts of a fretful, infatuated, and disappointed public functionary, whom no censure can control, and no superior authority can drive from his settled purpose, of dispossessing the mer-

chants and people of Gibraltar of those rights, which they hold in common with their fellow-subjects in every part of the British Empire.

In the month of January of the year 1849, Sir Robert Gardiner assumed the Government of Gibraltar. He received his appointment under Lord John Russell's administration. Earl Grey held the Seals of the Colonial Department. The first impressions Sir Robert Gardiner made upon the merchants and community, over whom he was sent to govern, were decidedly favorable. He evinced a readiness to assist the various public charities and schools, and expressed a desire that the chief merchants should point out the manner, in which he could promote the interests and welfare of the inhabitants. The Exchange Committee, as a collective body, was invited to dinner at the Government House; the invitation was accepted, and perfect harmony prevailed. This good understanding was of brief duration. In March, 1850, that is, only one year after Sir Robert Gardiner's arrival, a British merchant vessel, the Lady Rowley, arrived from Liverpool with a cargo of general merchandize, consigned to one of the chief houses of the place. A gale of wind drove the ship on shore nearer to the Spanish lines than to the British sentries. Lighters were sent to the vessel as soon as the gale abated, to remove that portion of the cargo not yet discharged, but the Spanish Carabineers, *i.e.*

armed Custom House officers, approached the beach. They threatened to fire on the men in the lighters, a proceeding quite at variance with their usual practice in similar cases. The consignees of the cargo appealed to the Governor for assistance, who here, for the first time, revealed to the mercantile body, that no reliance could be placed on him, in cases of emergency, where British property was in jeopardy. Sir Robert Gardiner did nothing; he was lost in abstract speculations about international rights as regard the Neutral Ground. But the naval Commander on the station, wisely leaving questions of international law, or disputed territory to higher authorities, acted vigorously up to the Admiralty instructions. The officer of Her Majesty's steamer on the station lost no time in bringing up his vessel close to the shore; he armed a launch, approached the Lady Rowley, and warned the Carabineers that he would repel force by force. This decisive attitude had the desired effect. The Spanish officers withdrew, and the British property was protected from plunder. The Governor was excessively exasperated at the interference of the naval Commander; but it is quite needless to say that the Admiralty, upon receiving a report of the case, approved of the steps which had been taken.

The Governor's irritation thereafter was manifested in every form. From that period an incessant

warfare was kept up between the merchants and the Governor, during the entire period of Sir Robert Gardiner's tenure of office. The Governor betrayed further, one of the ruling passions of his soul, a *cacoethes scribendi* of the most malignant type. From that moment, because the merchants claimed an effectual protection to their property, they were charged with insubordination, dissaffection, &c. The members of the Exchange Committee asserted their rights, and vanquished our new Governor in all the ridiculous arguments he had employed about commerce and international law, of both which subjects he was totally ignorant. The Governor never forgot, nor forgave his defeat. The members of the Exchange Committee were to a man excluded from the usual birthday and other réunions at the Government House; and every slight and annoyance, and, eventually, open insult, in the most unmeasured language, were heaped upon these gentlemen.

In a limited community like Gibraltar, an obstinate self-willed impetuous Ruler, bent upon carrying out various impracticable crotchets, and who, in consequence of an infirmity of temper, mocks and derides every man with whom he is at variance, is indeed an apt illustration of the celebrated aphorism of Solomon,—"Scornful men bring a city into a snare." It is no wonder that under such circumstances, dissension and animosity prevailed, during

the whole period of Sir Robert Gardiner's administrative career. Placed in the possession of power, he not only displayed his disputative propensities to the people at Gibraltar, but favored the authorities at home with a sample of his contentious spirit.

Our renowned artillery officer having taken position, commenced firing his paper guns, at his superior officers. In 1850, Sir Robert Gardiner transmitted to England a most voluminous secret Report, which occupies nearly 150 pages of his recent publication. I shall briefly notice hereafter some points of this most absurd production, which Sir Robert Gardiner has now, unauthorisedly, in defiance of the Queen's Regulations to the contrary, published to the world.

A portion of this Report, dated October 11th, 1850, having reference especially to the Revenue, was presented to the House of Commons in 1854.* The Duke of Newcastle, who had succeeded Earl Grey in the Colonial Office, before he sanctioned the publication of this very secret and important document, exercised a wise discretion by suppressing three-fourths of the Report. My readers will, probably, think with me, that His Grace would have committed an outrageous breach of duty, if he had so far disregarded the public interests as to publish the entire document. Sir Robert Gardiner, now that

* Parl. Paper, No. 130, Session, 1854.

his pride is wounded, casts any scruples of that sort to the winds.

In his despatches to the Government, he, with a mixture of boast and disdain, courts an invitation to appear at the bar of the House of Commons to instruct that House in the art of governing a Fortress and a Colony. He says, in mockery, "Nothing would gratify me more. But, if so honored, I would beg the sitting might be with closed doors. My disclosures would not bear publicity, and the House of Commons would not, I am sure, desire of me to unfold what I deem the weakness of Gibraltar, or the weak points of Gibraltar, and thus indicate them as weak points of assault to an enemy."* Would it be believed then, that this officer, holding the highest rank in the Queen's service, who, in his most responsible office of Governor, must have had peculiar and exclusive opportunities of knowing all the foibles of the Fortress, has actually published his own secret Report to Earl Grey, which was suppressed by the Duke of Newcastle, and has thereby disclosed to the public, and to foreign powers, all his boasted well-considered plans "for leading the enemy by two columns to a simultaneous attack," and showing to the world THE SHORT AND EASY WAY HOW TO CAPTURE GIBRALTAR ! ! !

Is there on record a more disgraceful example of

* Parl. Paper, No. 130, p. 65.

insubordination, and dereliction of duty and discipline? Sir Robert Gardiner, stung with disappointment that his absurd plans of civil government are not greedily caught at and adopted, vents his spleen and resentment by publishing his secret despatches, addressed to the Home Government. Fired that the Colonial Office rejects his project, he exclaims :—

"'Sdeath ! I'll *print* it
And shame the Fools!"

The sensible people of England, who watch every instance of political turpitude in public men, and visit even some venial transgressions with their severest condemnation, will surely denounce this flagrant act of military and official insubordination. But in what way is this Secret Report published to the world? I will fully explain.

Sir Robert Gardiner was made conspicuous in the history of the session of Parliament of 1855, by issuing illegally, in the spring of that year, an Ordinance to prohibit unlicensed printing in Gibraltar. Mr. Bright, with his usual public spirit, denounced this most high-handed act, which, in law and fact, had no justification, or warrantable grounds.

That this is now admitted on all hands, is best proved by the fact that the obnoxious Ordinance has been rescinded. But what happened in the House of Commons when this subject was under discussion last year? Lord John Russell, who held the Seals of

the Colonial Office for a few months, until he was consigned to a private seclusion, which has a touch of finality in it, got up in the House of Commons on the 15th of June, and in answer to Mr. Bright's peremptory demand, that Sir Robert Gardiner should be re-called, said, in that peculiar strain of irony, which the noble champion of civil and religious liberty knows so well how to assume :—

"Should Gibraltar be again besieged as it had been in former times, and somebody asked for permission to print a newspaper, giving an account of *the state of the garrison*, the amount of ammunition it possessed, SETTING FORTH THE WEAK POINTS OF THE FORTRESS, the guns it had fit for service, and those which are disabled, and indicating where the powder magazines were placed, THE GOVERNOR WOULD BE BOUND BY HIS DUTY TO STOP ANY SUCH SECRET PUBLICATION. He, Lord John Russell, could not promise to cancel the Ordinance."

No! but when his Lordship was shelved, the Ordinance was instantly rescinded, and the Governor re-called. But what will be said, when I point out to my readers, that this ex-Governor, who interdicted by an arbitrary and illegal act of power, the publication of a diminutive fly-sheet of two small pages, containing the names of ship's arrivals and departures ;—what will be said of this functionary, who exercised a real censorship, and put down by violent means, all attempts to print, even the most innocent hand-bill for calling a public meeting of the merchants, and forbade the

publication of an advertisement in the "Gibraltar Chronicle," which was refused insertion, in the name of "the Censor of the Press;"—what will be said of this stickler for arbitrary government over the Press, when I state that he has himself dared to print his late book, addressed to "Viscount Palmerston, Prime Minister of England and *Secretary of State?*" and publish it without having any printer's or publisher's name affixed to his clandestine work, as required by law!

In the year 1799, when, as the preamble recited, "a traitorous conspiracy had been long carried on to overturn the Laws, Constitution, and Government," an Act was passed for the better preventing treasonable and seditious practices, (39 Geo. III. cap. 79.) The 27th clause of the Act requires "that the name and abode of the printer shall be printed upon every paper or book put forth to the world, under a penalty of £20 ; and every person who publishes, offers for sale, OR DISPERSES GRATIS, any 'such traitorous or seditious' book, without the printer's name is liable to a penalty of £20 for every copy of such paper so published, or dispersed." Sir Robert Gardiner, Knight Commander of the most Honorable Military Order of the Bath ; Knight Commander of the Royal Hanoverian Guelphic Order, and of the second Class of the Military Order of Saint Anne of Russia; General of Her Majesty's Forces; Colonel Commandant of the 4th Battalion of the Royal

Artillery; Ex-Governor, Vice-Admiral, and Commander in Chief of the City, Garrison, and Territory of Gibraltar, &c. &c. &c., who, with all these high-sounding titles and dignities, ought to have set an example of obedience to the laws, has put forth to the world the book now before me, without a printer's name, and has subjected himself to all the penalties recited in the "Act for the suppressing traitorous practices."

I leave the public to decide whether the disclosure of a secret plan to capture Gibraltar is, or is not, "a traitorous practice," within the obvious meaning of the Act. The Dictator of the Ordinance to suppress unlicensed printing at Gibraltar, which he issued in defiance of the Home authorities,—has now, in equal defiance of the express Act of Parliament, the Colonial Office, and the War Departments, all together,—put forth to the world, and dispersed over half the mess and barrack tables in the United Kingdom, and elsewhere, an "unlicensed book" without a printer's name, entitled "REPORT on GIBRALTAR considered as a FORTRESS and a COLONY, respectfully dedicated to Viscount Palmerston, &c., &c." It is to this spurious and illegal publication, propounding the most mischievous political dogmas, and containing the most unfounded libels against highly respectable residents in the Colony, that I call the attention of the public and the proper authorities.

As the secret book of Sir Robert Gardiner is *smuggled* into circulation, amongst persons of his own way of thinking, and is necessarily not much known to the public generally, I may state that it is dedicated to Viscount Palmerston, Her Majesty's Prime Minister, and "*Principal Secretary of State!*" in a brief, ambiguously worded letter, dated January, 1856, signed Robert Gardiner; after which follows a long "*officieuse*" special Report addressed to his Lordship.

Before I proceed to state generally, the contents of this startling production, I may remind my readers that Lord Panmure is now, and has been for some time past Secretary of State for the War Department. When the business of the Colonial Office and War Department, was severed during the late period of hostilities, Gibraltar, Malta, and the Ionian Islands, as great military stations in the Mediterranean, fell naturally under the care of the War Minister, Lord Panmure. The business of the Ionian Islands having, however, a preponderance of civil, over military matters, was referred back to the Colonial Office; but Lord Panmure assumed "the Supreme Government" over Gibraltar, and became, to all intents and purposes, the direct official channel, through which all the affairs of Gibraltar, civil and military, ought to pass, and to whom the Governor was bound to direct every communication relating to the administration of the affairs of the colony. Lord Panmure, upon

his accession to office, at once recalled Sir Robert Gardiner, and appointed a most able, popular, and effective Governor, Lieut.-General Sir James Fergusson, K.C.B., in his room. Accordingly Sir Robert Gardiner ignores altogether the very existence of Lord Panmure, and in the publication before me, I find the ex-Governor overlooks the War Secretary, and bestows his tediousness upon the supreme maker of Secretaries of State—Lord Palmerston himself.

The Prime Minister is addressed in a derisive style of uncouth open flattery. "The august and gracious Sovereign of England having invested your Lordship with SUPREME POWER, your Lordship is called upon, in the PLENITUDE OF THAT POWER, to retrieve a mighty and magnificent Fortress"—which has been menaced with danger or insult; no!—"but has fallen to a smuggling colony!" Alas! what a falling off is there, my countrymen! It almost makes one weep to think, that such direful distresses as a Charter of Justice, Admiralty Commission, a well-established Police system, and laws administered in conformity with English practice at home, and not at the caprice of a military despot, should have occasioned so much woe. Fortunately it is all imaginary, and only exists in the diseased brain of Sir Robert Gardiner. "Fallen to a smuggling colony!" According to Sir Robert Gardiner, the man who smuggles into Spain a bale of Manchester cotton goods, or

who is "accessory before the fact," by holding "the pistol while another pulls the trigger," commits a heinous crime. None but brigands and their confederates "would be guilty of such moral turpitude." But to smuggle an unlicensed mischievous book into circulation, amongst our brave soldier officers, at home, and in colonial barracks, thereby inflaming the impressionable minds of subordinate military men, against the authority and advantages of civil government, is, according to Sir Robert Gardiner, not only not an offence, but is self-lauded as a most meritorious act.

In this spirit of defiance of the laws, of insubordination to his superior officers, and of profound contempt for the mercantile body, against whom all his philippics are directed, Sir Robert Gardiner has the effrontery, after his political demise, to address to the Prime Minister of England, a posthumous Official Report, which in form, substance, and utter want of exactitude and veracity, is nothing but a reproduction, *usque ad nauseam*, of the Reports transmitted home during the period of his authority. Further than this, while these sheets are going through the press, I can trace the hand of Sir Robert Gardiner in the subtle productions which have suddenly been put forth in a well-conducted London morning newspaper. The "Censor of the Press" at Gibraltar

is transformed, when in England, into the secret agitator, who is aiming to set in motion the London Press to disseminate his dangerous, and anti-constitutional principles.

It is self-evident, that if Sir Robert Gardiner conceived it beneficial to the imperial interests of the country, to lay before the Crown, any statement of his experience at Gibraltar, it was his obvious duty to transmit it to his gracious Sovereign through Lord Panmure, Her Majesty's Secretary of State. Sir Robert felt, perhaps, that his Lordship would have thrown it behind the fire as worthless. The Secretary of State for the War Department was, however, clearly the channel through which the Memorial, whether official or officious, should have passed. But no! such a course would not suit Sir Robert Gardiner. He prints and publishes this fresh document, concocted in the silent, idle hours of his spleen, together with the secret suppressed Report to Earl Grey of 1850, annexed thereto in an Appendix, and disperses them gratis, as a printed book, throughout the United Kingdom and the Colonies. Lord Palmerston, as every one knows, held in January last, and still holds, the high office of Chief Lord Commissioner of Her Majesty's Treasury. He is emphatically the Prime Minister of England. Sir Robert, in his formal Dedication, addresses his Lordship as a "*Secretary of State!*"

partly out of habitual mockery, and partly to disguise the flagrant irregularity of the whole proceeding.

However, we must receive Sir Robert's experiences in the way in which he vouchsafes to concede them to us, and be grateful accordingly. The ex-Governor commences his "Preliminary Observations" to Lord Palmerston, by warning his Lordship of the danger of "governing the Fortress of Gibraltar as a Colony." He then admits that his lucubrations—or Report, as he calls his book, was compiled from official data, but that "he was prevented from sending it home previous to its completion." He was occupied, he says, "in embarrassing correspondence about smuggling disorders all the time of his government." This is not original. A perfect Phœnix of a Governor wrote in a similar vein of distress to Don Quijote. "La ocupacion de mis negocios es tan grande, que no tengo lugar para rascarme la cabeza, ni aun para cortarme las uñas." As poor Sancho Panza had not time "to scratch his head, or cut his nails," so was Sir Robert Gardiner overwhelmed with his Governmental duties. Poor hard-worked man! This is not the first time I have heard of these alleged disorders and lawlessness, but I have it before me in an official form, that the Duke of Newcastle, when Colonial Secretary, said that he disbelieved these absurd statements *in toto*, and the formal reports of the respected Captain of the

Port, and of the local official authorities, go completely to deny their existence. Sir Robert then urges upon Lord Palmerston, in every form of tautology, " to avert from *Europe!* the *irremediable regret* that would inevitably *attend* the sacrifice of her first Fortress, to the vain attempt of adapting it to the purposes of a Colony!!" " Gibraltar," exclaims Sir Robert, " can never be beneficially held by England, but by a policy of generous consideration, magnanimity, and strict honor in adhering to the conditions, under which the Fortress was ceded to the British Crown. With these preliminary observations, I will proceed," he concludes his Preface, " to consider the necessity of making Gibraltar again a Fortress; first taking a brief view of Gibraltar under English dominion as a Fortress *until made a Colony.*"

This hallucination is at the bottom of all Sir Robert Gardiner's wrong-headed notions about the government of Gibraltar. He has a fixed idea that, in 1830, Gibraltar was, by some magical process, some hocus pocus in Downing Street, converted from a Fortress into a Colony. In his despatches he implores the Government, by another " stroke of the pen," to re-transform the colony into its original shape of a Fortress; and he repeats the expression in every form throughout his work. The notion is altogether a monomaniacal delusion, engendered by ignorance, and kept up and cherished by prejudice.

Gibraltar is just as much a Fortress, just as much a Colony, as ever it was, or ever can be, in the very nature of things. I shall not inflict upon my readers long extracts from Mill's Essay on Colonies, or from the works of Cornewall Lewis or Molesworth, to show by what various processes Colonies are formed, by settlement or re-settlement, ceded by treaty, and acquired by purchase, or by capture. Gibraltar is a Crown Colony, captured in 1704, and formally ceded by Spain to England, by the Treaty of Utrecht in 1713. It may be called a Fortress, a Colony, an outlying territory, a military or naval station, a possession, an appurtenance, an appendage, a settlement, a factory, an 'Εμπορεῖον; but, call it what you may, it is nothing more, nor less, and never has been anything else, than a Dependency of the imperial crown, governed by English laws, peopled by British subjects, who by birthright inherit the same equal rights, and the same civil and religious liberty, to which a Londoner, born and living within the sound of the cannon of St. James's Park, is entitled. The geographical position, the natural impregnable strength, and the imperial considerations, which render Gibraltar so important to the Mother Country, are thoroughly known and appreciated, by every statesman and politician throughout the empire. Whilst Malta is justly regarded as the Queen of the Mediterranean, Gibraltar may be viewed as the Rock and

Stronghold of English power at its outlet to the Atlantic; and I trust that the British flag will proudly float over its battlements, to the last period of recorded time, and attest to remotest posterity England's glorious supremacy on the ocean.

The drift of Sir Robert Gardiner's book is to teach us how to govern this Dependency. He affects to proceed very methodically to work in his renewed attacks upon "Gibraltar as a Colony." I reprint his index, which, as an original specimen of iterative pertinacity, is altogether unique. It will be seen that "Gibraltar under English Dominion as a Colony," is the burden of his theme, the Malakoff against which all his artillery is directed, and forms the sum and substance of all his preposterous efforts to confuse a very plain state of things. Sir Robert Gardiner inflicts no fewer than seven chapters upon Lord Palmerston, and, throughout this laboured essay, one fixed idea is predominant, being the heading of no fewer than six chapters out of seven.

I. Preliminary Observations (addressed to Viscount Palmerston.)

II. Gibraltar under English Dominion, from its cession as a Fortress until made a Colony.

III. Gibraltar under English Dominion as a Colony.

Section 1. Insolvent Revenue.

Section 2. Excess of Population.

Section 3. Civil Agitation for Colonial Government.

IV. Gibraltar under English Dominion as a Colony.
Relative Influences of Quarantine and Smuggling —Quarantine.

V. Gibraltar under English Dominion as a Colony.
Relative Influences of Quarantine and Smuggling —Smuggling.

VI. Gibraltar under English Dominion as a Colony.
Influences of Smuggling as it prejudicially affects Her Majesty's Service.

VII. Necessity of revising and re-constructing the Colonial Charter of Gibraltar, with a view of restoring the Fortress to its military purposes and permanent security.

The above occupy fifty-four pages of Sir Robert's book, after which follows an Appendix, occupying 150 pages more, which is, in fact, the Secret Report, suppressed by the Duke of Newcastle, and now surreptitiously published in defiance of the Queen's regulations, and in breach of official duty. It is styled a

> "Report on the Military Defences, Government, and Trade of Gibraltar, with considerations on the relative position of that Fortress with Spain, addressed to the Right Hon. the Earl Grey, Her Majesty's Secretary of State for the Colonies. By Major-General Sir Robert Gardiner, Governor of Gibraltar. October 11, 1850."

The sections are made up of ungrammatical but studied paragraphs, replete with dogmatical unsup-

ported assertions, each ticketed to distinguish its conspicuous singularity. He furnishes us with a mutilated one-sided history of the capture, and general military and civil history of Gibraltar, for the last 150 years. The whole drift of his exaggerated and often unfounded misrepresentations, being simply to make it appear, that it is dangerous to have any established laws in Gibraltar, and that the retention of this important Dependency of Great Britain will be, and can, indeed, only be secured by conferring absolute civil as well as military authority upon the Governor for the time being. In one word, to substitute for the settled laws of Great Britain, the uncertain, irresponsible, perhaps corrupt power of one man, enforced by the terror of 800 pieces of cannon.

Few Englishmen will be found to listen to such "a monstrous proposition." In refutation of this outrageous doctrine, I take leave here to quote the opinions of the celebrated Lord Mansfield upon this very point. His lordship, when delivering the judgment of the Court of Queen's Bench, affirming, upon appeal, the unanimous decision of the Court of Common Pleas, expressed himself unmistakably, and I hope when Sir Robert Gardiner reads this clear and decisive exposition of the law, by the judges of the land, that it will sink into his heart and understanding.

Lord Mansfield said:—

"To lay down in an English Court of Justice such MONSTROUS "PROPOSITIONS as that a Governor, acting by virtue of Letters "Patent under the Great Seal, can do what he pleases; that he "is accountable only to God and his own conscience; and to "mention here, that every Governor in every place, can act "absolutely; that he may spoil, plunder, affect the bodies and "liberties of the inhabitants, *is a doctrine not to be maintained;* "*for, if he is not accountable to this Court, he is accountable* "*nowhere.* How can the arguments be supported, that, in an "Empire so extended as this, every Governor, in every colony "and in every province belonging to the Crown of Great "Britain, shall be absolutely despotic, and can be no more "called in question than the King of France?"

Jus est judiciumque.

I must warn Sir Robert Gardiner that no exercise of even the Royal Prerogative, much less the *proprio motu* act of a Prime Minister, could, in defiance of English constitutional law, confer upon the Governor of Gibraltar an irresponsible despotic power. Gibraltar cannot be governed like Morocco. I can further inform Sir Robert Gardiner, that even the arbitrary Roman governors could not, in their provinces, make laws repugnant to the laws of Rome. The Imperial Legislature of England, which I beg to remind Sir Robert Gardiner is the supreme government, and no other, furnishes no example throughout its history, of having, with all its omnipotence, sanctioned the delegation of such an absolute authority. On the contrary, Parliament, in recent years, instead of

tightening the imperial traces over the colonies, has acted upon the wise and liberal policy, that colonial legislation shall be co-ordinate with home legislation; and the attempt of Sir Robert Gardiner to assert as a right, or propose as a necessity, the absolute irresponsible power of one man in any form, or shape, under any pretext, is only, to borrow one of his own figures of rhetoric, "to beat the air in vain."

We are told by Sir Robert Gardiner "that political liberty was not asserted in the advancing pretensions of the trading settlers of the Rock, until Gibraltar was made into a Colony." Again, "the great error of giving a colonial charter to the Fortress of Gibraltar, still a subject of wonder to Europe, is now admitted by England!" (By whom? In what manner?) Again, "What has Gibraltar gained by being made a Colony? and what would Gibraltar be if the Colonists could gain all they ask?" These groundless assertions, and mocking asseverations, put interrogatively, and in every variety of form, abound throughout the entire two hundred pages of Sir Robert Gardiner's book. In the first place, the COLONIAL Charter alleged to have been given is purely imaginary; and England and its rulers, far from seeking to reverse its policy, or likely to discover any grave error in imperial legislation, which it is necessary to correct in the administration of the affairs of Gibraltar, seem far more disposed to proceed further

in the path of an enlightened liberal policy, and judicious improvement, than to retrace any steps taken in 1830.

I fear that I could scarcely tempt my readers to follow me step by step, whilst I proceeded to controvert section by section, point by point, all the allegations unblushingly made by Sir Robert Gardiner. For the most part they have been refuted by the Memorial presented to the Duke of Newcastle in 1853.* Messrs. Carver and Peacock, both eminent merchants of Gibraltar, came as a Deputation to England to lay before the Crown, the distresses of the people of Gibraltar, which had been brought about, mainly, by the mal-administration of Sir Robert Gardiner. The whole case was deliberately examined by the Duke of Newcastle, at that time Colonial Secretary, and the facts are set forth officially in the papers presented to Parliament. Moreover, the Duke sent a despatch to the Governor,† in which his Grace animadverted, in the strongest manner, upon Sir Robert Gardiner's irrational proceedings, and told him, in plain language, that "his conduct was by no means consonant with the approved practice of the servants of the Crown," and that "the issue of his Official Notices compromised the dignity and authority of the Queen's government, and was pro-

* Parl. paper, No. 130, Session, 1854.

† Ibid, page 61.

ductive of the most injurious consequences." Never was a more severe reprimand conveyed to any public functionary, or in more unequivocal language; nor was anything wanted to render the reproof of the Duke as significant, and as humiliating as possible. The Duke commanded Sir Robert Gardiner to read publicly, in the presence of the gentlemen, who formed the Deputation to England, the reprimand administered. Sir Robert Gardiner was actually compelled to undergo the mortification of reading with his own lips, his own censure, before his two aides-de-camp, and, nevertheless, to the astonishment of all men, he did not tender his resignation! And this reprimanded servant continued in office, until at length a fresh outrage, the issue of an illegal and unconstitutional Ordinance against the liberty of the press, made his recall a matter of imperative public necessity.

The result of all these mortifications is, that Sir Robert Gardiner has vented his spleen in a book, in which all his crotchets are reproduced in an agony of impotent vindictiveness. Notwithstanding, as far as related to political government, successive Secretaries of State have treated his projects with all the contempt they deserved; and, as far as concerns revenue, Secretaries of the Treasury had demonstrated his schemes of reform to be untenable in law, his statements false in the alleged facts, his estimates totally wrong in calculation, and that "he appeared

to labour under considerable misapprehension of the state of the case."* Notwithstanding all these public rebuffs which he has received, and the private rebukes to which he has been compelled to submit, Sir Robert returns to his wallowing in the mire of politics, revenue, and taxation, and, as might be anticipated, fresh discomfiture awaits him.

Sir Robert Gardiner starts with a gross historical mis-statement. He says, "the settlers on the Rock remain to this day on conditional sufferance," and that Gibraltar "was made a Free Port probably from the known flourishing state of commerce at Leghorn." The facts are these. Gibraltar was captured in 1704, and afterwards had to sustain a long siege. By an official statement† of the Governor, there appear to have been 1200 *families* in the place at the time of the capture, which by the terms of the capitulation with the Prince of Hesse Darmstadt, were allowed to remain with their effects. Only thirty families remained under the terms of the capitulation, consisting of seventy persons. But no sooner was the place in the possession of the British, than Englishmen, foreigners, rich Jews, and Moors flocked thither from all quarters. Spaniards got into the town in great numbers—men, women, and children. The Governor, writing home, said "that he did

* Treasury Minute, 20th May, 1851.

† Vide Official MSS. on Gibraltar in the British Museum.

not know how they got in." But this was obviously untrue; he connived at their entering. Successive Governors in fact, found a great demand for house-room; they let the vacant houses at large rents, and pocketed the money. Complaints reached England, and instructions were sent to encourage the Protestants, by allowing them house-room at an easy rent, but to discourage Papists, Moors, and Jews of different nations, who might "prove of dangerous consequences to the town." The rents thus imposed were to be reserved "*for the King's benefit, and not for the Governor's.*" But in spite of all the efforts of the Home Government, the peculation and malversation of various Governors grew to such a height, that the Crown ordered an inquiry into the state of the title to houses. By the proceedings under this Order in Council,* the titles claimed were established, or invalidated, and a list of the inhabitants, whose titles were proved, may be seen in a document preserved in the British Museum. The Governor was expressly forbidden to divert the rents from the King's Exchequer, but to account to the Treasury for the receipts; which injunction does not say much "for the inflexible honor of the British soldier" at that period. To assert that "some traders from England" are only

* Order in Council, dated Whitehall, 12th May, 1749, and vide idem, dated 23rd August, 1783, 16th August, 1817, 19th March, 1819, 20th November, 1826.

permitted to repair to the Rock, on conditional sufferance, is simply to say, that the people of London are only permitted on sufferance, to walk in St. James's Park, while privileged persons enjoy comfortable houses therein. The English traders are studiously confounded with the aliens, who have Permits of residence. In the same way, it was only "on sufferance" that some traders went to India and China before the opening of the trade, during the days of exclusive monopoly. But I am quite sure, as regards the English traders at Gibraltar, that if any illegal proceedings were rashly attempted to be enforced against them, a rebuke from the Colonial Office, or a mandamus from the Court of Queen's Bench, would speedily dissipate Sir Robert Gardiner's extravagant notions, and establish the proper legal rights of the subject, against any arbitrary power exercised for his extrusion.

As regards the cause of Gibraltar being made a Free Port, the simple truth is, that Queen Anne's ministers could not help themselves; as at the time of the irrational "stoppage of the land communication by Sir Robert Gardiner, in 1853," the real cause of his giving way, and re-opening the communication, was, as the Duke of Newcastle said, "the want of straw and forage for the garrison;" so, in 1705, the want of timber, lime, and bricks required for the fortifications, was the real cause why Queen Anne

issued orders to declare Gibraltar a Free Port. Colonel Joseph Bennett, an engineer employed at the first siege of Gibraltar, was sent to the Emperor of Morocco, with the Queen's letter, to procure those materials. The Emperor's letter in reply refused consent, until Gibraltar was made a Free Port, "as well for Moors as for Jews."—[Vide Colonel Bennett's statement, Appendix A.]

All Sir Robert Gardiner's surmises about the causes of Gibraltar being made a Free Port, therefore, fall to the ground; the simple fact was, that the authorities at home could not do otherwise. And the same overwhelming considerations, must at all times render abortive any attempt to make Gibraltar a mere insulated Fortress; inasmuch as the Garrison must be exposed perpetually to the imminent danger of starvation, quite irrespective of the vastly increased expense of maintaining such a system of isolation.

The third section of Sir Robert Gardiner's book commences with the grandiloquent assertion, that "the great error of giving a Colonial Charter to the Fortress of Gibraltar, still a subject of wonder to Europe! is now admitted by England herself."

I never heard this admission made in any place, or in any society. Amongst the various pamphlets which from time to time have appeared, in which the strangest speculations have been broached, respecting

the policy to be pursued with reference to Gibraltar, I never saw in print, except recently,* any intimation of the kind; and I am convinced that the acknowledgment of such an alleged error, when brought to the test of public opinion, would be scouted by every man, who was animated by the patriotism of an Englishman, and who valued the enjoyment of civil and religious liberty.

I have combated the perverse distinction, drawn by Sir Robert Gardiner, between a Fortress and a Colony. But he returns to the subject a thousand times, and it is incumbent upon me to root out, if

* The *Spectator* weekly journal has thought proper to give insertion to a leading article of June 7th, 1856, evidently written by Sir Robert Gardiner. Whilst these sheets are passing through the Press, the *Morning Post*, in articles of the 10th, 15th, and 18th October, has been made the vehicle of Sir Robert Gardiner's anti-civilian views. Through what inspiration the conductors of these Journals have been induced to allow their own composition to be superseded by Sir Robert Gardiner's disjointed trash, is incomprehensible.

A common street brawl in Malta, to which nobody gave a second thought, has been artfully seized upon, to inveigh against all Civil Government in our Mediterranean colonies. The pen and style of the articles are clearly unmistakeable: therefore, being the mere expression of opinion, confined to a single individual in the kingdom, I need make no further allusions to such insidious attacks. These Journalists would do well to read, and reflect upon the Gibraltar papers presented to Parliament, before they again lend their columns, to the defence of such atrocious principles of despotism.

possible, this cherished absurdity. He says to Lord Palmerston :—

"Gibraltar has now been a Colony for upwards of a quarter of a century; and certainly, for any beneficial purpose whatever, the attempt has proved an utter and disastrous failure, at length rendering it of indispensable necessity that Her Majesty's Government should take into immediate and serious consideration the purposes for which England holds Gibraltar, at an expense of millions, and whether as a Fortress, or military position, or what it is fast sinking to, a smuggling Colony of Spain. And in pursuing such an inquiry, it may be the most effectual way of putting the question to ask, "What has Gibraltar gained by being made a Colony ?" and "What would Gibraltar be, if the Colonists could gain all they ask ?"

I was about, at once, to expose the fallacy which runs throughout these remarks, but I read a few lines further, and find the ex-Governor, whilst still harping on the same subject, reveals the *teterrima causa* of his hostility to Colonial institutions. He adds :—

"By being made a Colony, Gibraltar has lost a revenue adequate to its former public requirements as a Fortress ; or, in other words, Gibraltar, by being made a Colony, has been burdened *by the creation of uncalled for, and unsuitable and useless Law Establishments* ; a Civil Police, ruinous in cost, and wholly unfit and inappropriate for employment in the responsible duties of a Fortress ; and further, a heavy Pension List, without hope, or prospect of realizing a revenue to maintain one, or to discharge the claims of the other."

"While Gibraltar was a Fortress, the revenue was ample for all local and public requirements, and afforded a surplus which was transmitted to England in aid of the national expenditure."

"Gibraltar was pronounced to be a Colony in 1830," &c., &c.

Nothing can be more untrue throughout. Gibraltar was *not* pronounced to be a Colony in 1830. Gibraltar received in 1830 a Charter of Justice; a Commission of the Admiralty, and also an Ecclesiastical Charter, relating to Wills and Probates, were promulgated by William IV., in 1832, in the second year of his reign. The Charter of Justice erected a Supreme Court of Justice, and thereby wrested from the Governor, all authority and jurisdiction in civil cases. *Hinc illæ lachrymæ!* The introduction of law and justice, administered by English procedure, is made a subject of complaint, not by the people who enjoy these blessings, but by an unruly despotic ex-Governor, who was properly despoiled of authority, in matters of which he must necessarily be ignorant. The man who would trample upon all law, and who would seek to substitute his own despotic will, in the place of written, established, judicial decisions, is the real Agitator, who thus aims to overthrow the institutions of his country. Few persons would prefer the *sic volo, sic jubeo* of Sir Robert Gardiner, to the enlightened maxims of law delivered by a Mansfield, or a Somers. In the administration of justice between the Crown and the subject, and between subject and subject, Sir William Jones, a learned lawyer in his day, has wisely said that "discretion is a fiend." Sir Robert Gardiner would centre in his own person, the offices of Go-

vernor, Lord Chief-Justice, and Executioner. What says Montesquieu?

"Si les tribunaux ne doivent être fixes, les jugements doivent l'être à un tel point, qui ne soient jamais, que le texte de la loi. S'ils étaient une opinion particulière du juge, on vivroit dans la société, sans savoir les engagements que l'on contracte.

"C'est une experience éternelle, que tout homme qui a du pouvoir, est porté à en abuser; il va jusqu'à ce qu'il trouve de limites."—*Esp. des Loix.*

We may thank God, so long as there is a House of Commons, and a House of Lords, and what is more practically to the purpose, a Court of Queen's Bench, that Governors, holding Letters Patent under the Great Seal, dressed in a little brief authority, will not dare to do more than secretly, and in an underhand, skulking manner, vent their impotent rage against the erection of Courts of Law and Justice. I have quoted (see Appendix B) the highest authorities on this constitutional question, together with the case of Fabrigas *versus* Mostyn, extracted from Howell's State Trials.

In Minorca, in 1773, at that time a British Possession, the maintenance of the prestige of the Governor's authority, was quite as necessary to be asserted, as ever it could be, at any period in Gibraltar. But when it was attempted to put down, *vi et armis*, by brute force, and not by process of law, "a patriot" who presumed to present a petition to the Governor,

a jury, at Westminster, gave £3000 damages against the defendant; and Lord Mansfield, upon appeal, confirmed their verdict, with the unanimous approval of all the judges of the Queen's Bench, in the memorable words I have before quoted. The respectable body of merchants at Gibraltar, who desire to appeal to, and uphold the civil institutions which they enjoy, as opposed to arbitrary, military rule, have, therefore, at least, law, as well as justice, on their side. They have accomplished the object they had in view; they have defeated Sir Robert Gardiner's insidious attempt, to destroy the Freedom of the Port, as distinguished from the City, Garrison, and Territory; they have by direct appeal to the Throne, baffled his mad designs, to expel them from the place, and reduce Gibraltar, to what he calls, "an honest fishing port;" and I should have been disposed to leave him to languish the remainder of his days in obscurity and oblivion, if his recent audacious publication, had not been so indecently and mischievously sent forth to the world.

As regards the alleged increased expense of these "uncalled for and useless Law Establishments," no one would complain of any augmented burdens on this score. But in truth the expense has not materially increased. The cost of the Judicial Establishments was in 1827, £3327; and, by the Official Returns, in the Blue Books just printed, they were in 1854, £3311.

As regards the pension list, the people of Gibraltar have made repeated remonstrances against this abuse, and would be delighted to see it extinguished altogether. But they are not so credulous, as to believe Sir Robert Gardiner, when he asserts, that this burden arises from the fact of Gibraltar having been made "a Colony," as he calls it. I have no hesitation in saying, that some of the pensions charged upon the Gibraltar revenue, are scandalous and indefensible. It is only consonant with experience, that no relief of this burden can be obtained, unless through the interference of the "supreme government," which, *quoad hoc*, is the House of Commons. But, irrespective of these pensions, the cost of the Law Establishments and Police was before the year 1830—

1829.		1854.	
Judicial ..	£3,327	Judicial ..	£3,311
Police....	3,155	Police....	4,494
	£6,482		£7,805
			6,482
		Increase only	£1,323

To which increase, in exchange for a more effective and constitutional tribunal, and constabulary force, having more extensive duties to perform, few or none of the inhabitants are disposed to object. When, therefore, Sir Robert Gardiner writes home to his government, representing that there existed a difference of £4,172 and £10,049, being about £6,000,

between the relative charges of Law and Police together, at those periods "while Gibraltar was a Fortress, and from the period the Fortress was made a Colony," he only distorts the facts and figures, just to bolster up his own "anti-colonial" view of the case. It has been shown over and over again, at various periods by the residents at Gibraltar, that all Sir Robert Gardiner's statements about the Revenue, Judicial Establishments, and Police are tinctured with his jaundiced views. He would persuade the Home Authorities that the entire expenses of the civil establishments in Gibraltar might be saved, so long as the Governor's salary of £5,000 a-year remained untouched!

As regards the "Insolvent Revenue" of Gibraltar, I do not intend to follow Sir Robert Gardiner throughout all his mystifications, and misconceptions of the real state of the case. I shall describe succinctly the position of the revenue, and any reader may satisfy himself of the correctness of my statement, if he will take the trouble to consult the official *pièces justificatives*, to which I shall refer as my authorities.

Gibraltar being what is called a Crown colony, originally acquired by capture, any surplus revenue accruing, after satisfying the expenses of the local civil government, was formerly carried to the credit of the casual hereditary revenues of the crown, and formed part of the civil list of George IV. William IV., upon his accession, surrendered the whole

of the revenue, derived from this and other sources, and received from Parliament, in lieu, a fixed income. Her present Majesty, upon her accession to the throne, made the same arrangement, and by the Civil List Act, 1 Victoriæ, c. 2, the surplus revenues of Gibraltar form part of the Consolidated Fund, and, of course, come directly under the supervision of the House of Commons. In point of law and fact, the legislature of England, that is the "supreme government," exercises a direct parliamentary control over the Fortress or Colony of Gibraltar, precisely in the same manner, that it could constitutionally direct any principle of management relating to the Knightsbridge barracks. I wish Sir Robert Gardiner clearly to understand, whose servant a Governor of Gibraltar really is; and that Gibraltar is not a mere appanage of the Crown, much less the private property of the Sovereign. Sir Robert Gardiner must also learn, that no functionary in the service of the state, whether civil, military, or ecclesiastical, however exalted his rank, or powerful in his connexions, can be screened from responsibility in case of disobedience, misconduct, or any offence committed against the laws of England.

Under these circumstances, how far it is now legal, and constitutional to raise, and collect any further taxes in Gibraltar, by the power of the Crown, *ex mero motu*, exercised through an Order in Council without the sanction and authority of Parliament, I

leave higher jurisconsults to decide. I have myself grave constitutional doubts about the matter. Perhaps it will be better not to disturb a sleeping lion. But the people of Gibraltar are quite willing to pay taxes like others of their fellow-subjects; they only ask that these should be imposed, with the same constitutional checks and forms, as are rigorously enforced elsewhere.

The total Revenue of Gibraltar in 1829, as stated in the second report of the Commissioners on Colonial Revenue, presented to the Houses of Parliament in 1830, was £34,467. By the Returns now first made public through the energetic remonstrances of the Deputation sent from Gibraltar in 1853, the following has been the amount of the

Total Revenue and Expenditure in each year from 1850 to 1854.

Years.	Revenue.	Expenditure.
	£	£
1850	28,941	28,009
1851	28,388	28,537
1852	28,752	28,384
1853	28,795	28,640
1854	28,986	28,305

It is very plain that the Revenue since 1829 has declined about £5,000 a-year.* The causes of this

* See Appendix C, where I have inserted the Returns of the Births, Deaths, and Marriages, Revenue and Expenditure, Shipping, and Exports from England to Gibraltar, in each year from 1850 to 1854. All this information was studiously suppressed by Sir Robert Gardiner.

decline in the Revenues of Gibraltar are various, and wholly irrespective of its form of government. Formerly large amounts of goods were sold by public auction, and, on such sales, there is a colonial duty of 2½ per cent. With the decline of this particular trade, and the rivalry of other ports in the Mediterranean, that branch of Revenue has suffered. Many salutary reforms and retrenchments, in the police establishment and other departments, ought to be effected, but Sir Robert Gardiner never undertook any such desiderated changes. All he cared for, all he aimed at, was to make everything bend to his own indomitable, arbitrary will. If the pension list were thoroughly expurgated, it is evident, that any surplus revenue would find its way to the Consolidated Fund; therefore, so long as the income and expenditure are nearly balanced, the attention of the Colonial Office will not be especially directed to the subject. The Returns printed in the Blue Books are silent respecting the debt of Gibraltar. I shall not further allude to the subject, except by saying that it is, I believe, inconsiderable. Sir Robert Gardiner when he arrived at Gibraltar, set about to govern the "Fortress" upon his own peculiar, cherished, and "Practical Plan" of despotism; but, somehow, the Revenue fell off, as if to give the lie to his own principles. Discovering a deficiency, he set about various "artful dodges"* to

* See Parl. paper, No. 130, page 71.

restore an equilibrium between the Revenue and Expenditure. In a laboured despatch, which he wrote home, he attempted to make it appear that he had found a debt of £7,000. He made out an account against the Treasury, and coolly asked the Lords of that Department to refund £6,000 of the money which his predecessors had, "through error, or misapprehension," handed over as excess of revenue under the the Act of Parliament. Sir Robert may be able to compass many impossibilities; he may be able, as he boasts, "to capture Gibraltar by leading an assault in two columns;" he may, in his omnipotence, "call spirits from the vasty deep," but to "do"* the Treasury, and make it refund money, which is once within its gripe, legally paid over, and received in conformity with an Act of Parliament, *hic labor*, *hoc opus est.* This is, indeed, an impossibility not to be accomplished even by Sir Robert Gardiner. Sir Charles E. Trevelyan very significantly laughed in his face, and told him, that "he was under a total misconception of the case!"

Foiled in his attempts, Sir Robert Gardiner has since waged incessant war against the judicial and police establishments, with all the zeal and fury, and more than the ignorance, of a Marylebone parochial reformer. If a retrenchment of a couple of thousand pounds a-year was imperative, to maintain this

* See Parl. paper, No. 130, page 71.

mighty Fortress, and save it from the degradation of Colonial administration, the Governor's salary of £5,000 a year might suggest itself at once, as the first and obvious item of retrenchment. A reduction of the Governor's pay,—who enjoys further a government house and garden, forage for eight horses, coals, candles, and oil, restricted by the Queen's regulations, (which are very necessary in spite of "the inflexible honor of the British officer"), with rations for his Excellency and eight servants,—might, indeed, have furnished at once a very satisfactory sum, and would have supplied "a patriotic fund" to hand over on account of the public chest, or the Queen's Exchequer, in order to maintain "the prestige of the Fortress in the eyes of military men."

With regard to the alleged excessive alien population. What does Sir Robert Gardiner propose? When there is a real difficulty, he shirks it. The population of Gibraltar, exclusive of the Garrison, is estimated, by the official returns just published, at 16,000. But there is a note appended, stating that there are no recent returns in detail of the population. I believe, upon trustworthy authority, that the numbers do not exceed 15,000. At all events, presuming the government conjecture to be correct, the births have declined from 468 in 1850, to 409 in 1854—decrease 59. The deaths, on the other hand, have increased from 394 in 1850, to 491 in 1854,

being an increase of 97. No returns exist of the numbers in Gibraltar in 1823, 24, and 25, when the place was filled with refugees. A daily poll-tax of two-pence-halfpenny was at that time levied on strangers, which was afterwards abolished. The population, in fact, some years antecedent to Sir Robert Gardiner's year of lamentation, 1830, could not be less than from 28,000 to 30,000! In spite of the "swarms of children" which offend Sir Robert Gardiner's nerves, in the neighbourhood of the Garrison, the population seems to be, by official reports, one half of what it was thirty years ago!

Sir Robert Gardiner says, that 11,000 of the present population consist of "native aliens." What are native aliens? Is a Canadian of French descent a native alien? The two hundred millions of British subjects, who inhabit our Indian possessions, are they native aliens? Sir Robert Gardiner knows that native alien is a self-contradictory, ambiguous, and offensive designation; but just as unintelligible and inapplicable, as would be the attempt to describe the mixed population of the West Indies, by the odious distinction of black-white, native-aliens!

The population which was 15,000 in 1830, is, at all events, not upon the increase, consequently Sir Robert Gardiner's unfounded assertion that "aliens have flocked to the fortress *in vast numbers* to pursue the trade of smuggling, since it was made a colony,"

is clearly at variance with both facts and figures. This official refutation of his statements may alleviate Sir Robert Gardiner's deep anxiety, and it will demonstrate to the public, and to the Colonial Office, that his reiterated charge, that the alleged increase of the population "since the fortress has been a colony in 1830," is altogether a baseless vision, conjured up to scare the home authorities, into a compliance with his preposterous demands. The alien population are as well conducted, as sea-faring people of a mixed character, residing in an open, frequented port, usually are. Sir Robert asks for the thousandth time, "in the event of a war," that is a siege, I suppose, "What would you do with them? How feed them? How dispose of them? Where send them?" One question may be answered by another. What would Sir Robert Gardiner do with them? Would he re-enact the frightful tragedy of the expulsion of the Parghiotes in our days, and transport them to the deserts of Africa? Would he propose some Malthusian remedy? Sir Robert Gardiner should have made known his own panacea, his own peculiar preventive check. Does Sir Robert Gardiner propose infanticide, or to banish all the female population? Will the soldiery in the Garrison be content to live for years on the Rock, and not see a woman's face? I mistake their manly ardour amazingly, if they would not turn out to be very unruly, under such a state of compul-

sory isolation. Why the very "girls they left behind them" in England, of whom so much has been said and sung, would fly in hundreds to Gibraltar, to console their lovers in their forlorn solitude. Love laughs at old Governors. I fear, then, that a vast increase of casual population would be the result of any, perhaps, well-intentioned coercive measures, however sagaciously and stringently framed. Previously to the long siege in Governor Elliot's time, any resident who could not prove that he had a year's provision in store, at the commencement of the siege, was compelled to withdraw. No doubt a similar calamity, requiring equally desperate measures, would be the cause of extensive suffering; but that is an incident inseparable from war. A forcible extrusion of the native population, at the point of the bayonet, occurred at Balaklava. I really think that Sir Robert might as well busy himself in watching, on one of the high towers of Gibraltar, to "guard the moon from the wolves," as in disquieting himself about the contingency of a redundant population, which no human foresight could avert.

CIVIL AGITATION FOR COLONIAL GOVERNMENT.

Sir Robert Gardiner next proceeds to inveigh against the alleged growing civil agitation in the Fortress, kept up to obtain a voice in the passing of Draft Ordinances, by means of a Consultative Council, representing the people. He says:—

"The evil next in importance, radically proceeding from Colonial transition, is a growing civil agitation in the Fortress for the political and municipal *immunities* conceded to *chartered* civil Colonies of Her Majesty's dominions."

"This agitation is systematically pursued and persevered in by a self-constituted and self-elected body, calling themselves 'The Exchange Committee, acting as a Chamber of Commerce.'"

"In 1850 the Manchester Commercial Association identified themselves with this body in a question relating to the storing of Wine and Spirits in the Bay. They have, therefore, a voice in Parliament through the Manchester Commercial Association; and from 1850 may be considered, virtually, a Branch Committee of the Manchester Commercial Association, acting in the name of the inhabitants of Gibraltar."

"The demand of the right of public meeting [in a Fortress containing a population of a treble or quadruple numerical strength of the Garrison] and of a Free Press, have thus been advocated in Parliament!"

"England does not look to her Legislature as a tribunal of appeal for the propagation and spread of smuggling!!!"

The cause of all these impertinent remarks upon the Commercial Associations at Manchester, arises plainly from the readiness, which those two bodies evinced, to throw the whole weight of their moral influence in support of the appeal of the merchants of Gibraltar for assistance, against Sir Robert Gardiner's arbitrary proceedings. It is mainly the high character, local influence, and great wealth of the distinguished men who preside over the Commercial Associations of Manchester, which confer upon those bodies an authority, which commands respect, from even the Chief Ministers of the Crown. When the Deputation from Gibraltar, in December, 1853, were received officially by the Duke of Newcastle, who had previously informed them, by letter, through the Under Secretary of State, that his Grace would receive any statement made through their medium, as a Deputation, Mr. J. Aspinal Turner, the President of the Manchester Commercial Association, and Mr. Henry Ashworth, the Vice-President of the Manchester Chamber of Commerce, accompanied the Deputation to Downing-Street; and by the counte-

nance of their presence, supported by one of the representatives of Manchester, indicated how deeply the City of Manchester was interested in the important question, of the commercial Freedom of the Port of Gibraltar, which Sir Robert Gardiner sought to destroy. To confound the two Associations of Manchester, and to say further "that the Branch Committee of the Manchester Commercial Association of Gibraltar is therefore represented in Parliament," is a statement absurdly inexact, because it is a matter of notoriety, that Chambers of Commerce have no political status whatever; and no connexion subsists between the Chamber of Commerce at Gibraltar, and either Association at Manchester, except one general common bond of commercial interest. Every man in the kingdom knows that neither of the three bodies has a voice in Parliament at all. The whole statement is mere rhodomontade.

"The demand of the right of public meeting in a Fortress (containing a population of treble or quadruple numerical strength of the Garrison) and of a Free Press have thus been advocated in Parliament." This is another sample of Sir Robert Gardiner's logic. The leading gentlemen at Manchester lent their powerful influence to secure for the Deputation, from the Duke of Newcastle, a patient audience; and though it is evident, that no connexion can, or could exist between the separate bodies, still less any

parliamentary representation, *therefore*, "the right of public meeting and of a Free Press have thus," Sir Robert asserts, "been advocated in Parliament." Sir Robert should favor us with his views of the controverted question of uncaused cause of causation, and reveal to the world the great, and mighty secret of progress, development, and connexion, since it is quite obvious, that he can see far deeper into a millstone, than mortal eyes ever penetrated. I have not yet heard that the Exchange Committee have elected a representative to Parliament, or sent a Delegate to take his seat in the House of Commons.

"Quando llega aquel dia
Aquella feliz mañana?"

then, and not till then, will Sir Robert Gardiner's direful visions be realised.

After frightening his readers with these chimeras dire, Sir Robert consoles himself by the grave reflection that "England does not look to her Legislature as a tribunal of appeal,"—against what? against the misfeasances of a governor? no! that never entered Sir Robert's head?—against the wicked machinations of political, designing agitators at Gibraltar for "the propagation" of Colonial representative institutions? no!—"but as a tribunal of appeal for the PROPAGATION of SMUGGLING!!!"

Was ever such demented folly placed before a

Prime Minister, in more absurdly inconsecutive language? "Propagation of smuggling!" indeed! This is what Professor Owen would describe as *Parthenogenesis*, which the learned tell us means equivocal generation!

In the hypothetical process of "alternation of propagation," what can possibly be Sir Robert Gardiner's *future?* He certainly will be transmuted to a Spanish Carabineer, or a Smuggler.

Our ex-Excellency continues:—"and for the honor of the House of Commons the interference (what interference?) was in one instance reprehended by a call to 'order,' and in the other (what other?) passed WITHOUT THE RESPONDING SUPPORT OF A SINGLE VOICE!" How passed! In what way a vote could be passed, without ANY SUPPORT, unless in a thoroughly Irish Parliament, I must leave to the imagination of my readers.

It would seem, however, that all Sir Robert Gardiner's "sound and fury" about alleged violent agitation for civil institutions, the right of meeting and a Free Press at Gibraltar, resolve themselves, so he reiterates, in his affected alarm, into an "appeal *for* the *propagation* and spread of smuggling!!!"

It seems absurd to put all this incoherent nonsense into a book addressed to the Prime Minister of England, but the whole production consists of similar trash, ostentatiously paraded with Sir Robert Gardi-

ner's name, to bring down ridicule upon official, and ex-official men.

Sir Robert Gardiner then enters into a long rambling history, about the origin of the Exchange Committee in Gibraltar, to show, that the individuals composing that body are not an authorised, acknowledged political corporation, and, after much personal vituperation of these respectable gentlemen, which is too contemptible to notice, he winds up thus:—

"Such, my Lord, is the self-constituted, self-elected body, who in the aspirations of Colonial Emancipation, without legislative, constitutional, or local delegation; without social prerogative or position, aim at and agitate for political and representative power, and *shake the* PERMANENT SAFETY *of the* FORTRESS *of Gibraltar.*"

Shake the permanent safety of the Fortress of Gibraltar! These are very awful words, considering that a Governor has about 800 pieces of heavy ordnance at his command, one round from which would sweep the town of Gibraltar, and all its inhabitants to utter and inevitable destruction.

The public at home might be led to believe from Sir Robert Gardiner's book, and his despatches to the Home Government, that a nest of Chartist conspirators infested Gibraltar, who, seconded by a thundering, daily, free press, held incessant, public street meetings, and put in motion all the terrible accompaniments of a wild, political agitation. Nothing can be more groundless, nothing more false, or more

diametrically opposed to the real truth, than all Sir Robert Gardiner's statements. They are scarcely worth refuting. Nobody in office, or who knows anything of the circumstances, places the smallest faith in these calumnies. The gentlemen of the Chamber of Commerce at Gibraltar, many of them of great wealth, some representing eminent firms at Manchester, and all persons of respectability and commercial standing, finding that Sir Robert Gardiner had formed, and avowed a deliberate design to destroy the trade of the place, and abolish the Freedom of the Port—they, as the only collective body in Gibraltar, stood forward to defend their interests, and assert the rights of their fellow-inhabitants, to have a voice in the making of laws, and to be heard when the Draft of any obnoxious Ordinance threatened them with ruin. However Sir Robert Gardiner, in his habitual style of mockery, may insult this respectable body, and sneer at their "aspirations of colonial emancipation, without legislative, constitutional, or local delegation,—without social prerogative or position, aim at and agitate for political and representative power, and shake the permanent safety of the Fortress of Gibraltar," I can tell him, that the courage and energy of that body have defeated his machinations, have rescued those interests which were at stake, and have brought down the indignant censure of the Crown, upon the man who had medi-

tated the abolition of the Freedom of the Port of Gibraltar.

It was the *superbia in contumeliis* exhibited by Sir Robert Gardiner, which, like the contumely of the tyrannical governors of antiquity, aggravated the wrongs he inflicted. It was Sir Robert Gardiner's mockery of respectable men, whom he said were "without legislative, constitutional, or local delegation, — without social prerogative or position," — whom he stigmatized as "bankrupts in name, and even in smuggling!"—"confederates of brigands,"—"artful dodgers, whose first trick was to 'do' the police,"— "persons so ignorant in the hands of others, so daring and reckless, who could not fathom, or *understand* any political act, which was altogether *beyond their comprehension*, and in which they never could have any concern;" "traders who were engendered in vice and crime, and steeped in deeply-rooted moral turpitude;" — it was these outrageous insults and this mockery, the issue of which, in the official organ of Gibraltar, compromised the Queen's dignity, and induced gentlemen, who sought only privacy, and to pursue their occupations in peace and tranquillity, to step forward and vindicate their rights, and protect the interests intrusted to them. Sir Robert may mock them as much as he pleases; but some of them are better educated, and far more reflecting than he is. They have, in their leisure hours, dipped into the pages of Lord Bacon, and have read, that

that profound observer of mankind, when commenting on the wise words of Solomon, "Scornful men bring ruin on a city," used these memorable words, in which he foreshadowed such personages as Sir Robert Gardiner:—

"It may appear strange, that in describing those who are, as it were, fashioned by nature, and made for the ruin of a state, Solomon should have selected, not the tyrannical and the cruel, not the rash and the violent, not the impious and the wicked, not the unjust and the oppressor, not the seditious and the turbulent, not the lustful and the voluptuary, and lastly, not the unwise and the incapable,—but the man given to MOCKERY!"

These are not my denunciations, but the calm, deliberate sentiments of a Lord High Chancellor of England, pronounced to be one of the wisest of mankind. The studied insults heaped upon individuals in Gibraltar have indeed made them deplore, "that there is no greater pestilence in a community, than that those, who are intrusted with the direction of affairs, should be by nature given to mockery." *

It was the insolent overbearing tyranny of Sir Robert Gardiner, which forced these gentlemen to step forward as public men, and to suggest that a Consultative Council should be created in Gibraltar, with a view to secure a legal mode, by which their advice might be listened to, in the framing of the fiscal laws of the place. In this they had the precedent and practice which prevailed in other trans-oceanic Colonies.

* Lord Bacon *de Aug. Sci.* lib. viii. cap. 2.

But inasmuch as Sir Robert Gardiner seems to imagine, that these gentlemen were asking for something more questionable than the "five points of the Charter," I take the liberty of transcribing here, the deliberate opinion of Sir George Cornewall Lewis, the present Chancellor of the Exchequer, upon this very point, as extracted from his extremely well-written and authoritative work, "On the Government of Dependencies."

When proposing the plan of a Consultative Council in a Dependency, or *a Council representing the people in a Dependency*, but not possessing any Legislative or Executive powers, he says:—

"This plan consists in subjecting the Governor, or other head of the local subordinate government, to the control of a Council representing the opinions and feelings of the more intelligent portion of the people, but not possessing any legislative, or administrative powers, strictly so called. The governor would be bound to consult this Council upon every legislative measure: but neither he, nor the Home department of the subordinate government would be concluded by its opinion. It would have the powers of petitioning the Governor to introduce any new law, and of dissenting from any law proposed by him, or of suggesting amendments in it; but the Governor would be at liberty to refuse the request, or reject the advice. In case, however, he decided against such request, or advice, he would be bound to report to the Home authorities the grounds of his decision.

"The establishment of such a Council as we have just stated, would possess the following advantages. By concentrating the

opinion of the intelligent and proprietary classes of the dependency upon its government, it would increase the influence of the most enlightened public opinion in the dependency upon the acts of its immediate rulers, and also (though in a less degree) upon those of the Home authorities, and even of the supreme government. *It would likewise provide an authentic organ, through which the local government, and the Home authorities, could easily learn that opinion.* Without such a Council the Home authorities have no means of learning authentically the opinions and feelings of the more intelligent part of the people in a dependency, whose local government is not controlled by a representative body. Accordingly when a complaint upon any political matter is made by any of the inhabitants of such a dependency, the Home authorities run the risk of falling into serious error, from their necessary ignorance of the characters, and purposes of the complainants. If they entertain the complaint they may do an injustice to the local government, and may even lower its credit, and weaken its authority; if they do not entertain the complaint, they may refuse redress of a real grievance, and create an opinion that the authorities in the dominant country, are deaf to the prayers of the dependency.

"Such a Council, as representing the more intelligent classes of the dependency, and destitute of legislative and executive power, would probably conduct itself, in general, with discretion and forbearance. Instead, like a representative body possessing legislative powers, of pre-possessing the dominant country against the dependency, by a disingenuous and indiscriminating opposition to the measures of the local government, it would rather, by the general moderation of its proceedings, create a favourable disposition towards the dependency in the government and public of the dominant country, upon which (especially if it be condemned by its weakness to dependence) it must alternately and permanently rely for obtaining a good admini-

stration of its political concerns. But although such a Council would possess no proper legislative or executive powers, and would therefore be unable to arrest the machine of government, it would by giving the people of the dependency, an authentic legal organ of their political opinions and wishes, and affording them a considerable security against the misrule of the local, and even of the Home authorities, tend to conciliate their affections towards the Government, and to mitigate the discontent which they would naturally feel, if they were excluded from taking any part, or having any voice, in the management of their own political affairs.

" It may be objected to the plan just described, that such a Council, though nominally destitute of legislative powers, would in a short time come to possess them practically, since the Governor and the Home authorities would be afraid or unwilling to act in opposition to its opinion, and would therefore treat it as if it were virtually a co-ordinate authority, and not merely a consultative body. But such a Council could only acquire a legislative power by the sufferance of the Governor and the Home authorities, inasmuch as the subordinate government could legislate without its consent, and the known inconvenience of a representative body in a Dependency possessing a legislative power, would afford a strong inducement to the members of the subordinate government to assert constantly, and occasionally to exercise their exclusive power. It may be likewise objected to the plan, that such Council would afford a centre in which the discontent of the Dependency might be collected, and round which it could organize itself. To this objection it may be answered, that supposing the people of the Dependency to be discontented with the government; their discontent will find a more dangerous vent in voluntary, and probably illegal associations, if it had no legitimate and constitutional organ. It may be added, that if the people of the Dependency are generally dissatisfied with their government, and if they are likely to

resist its authority by force, with any reasonable prospect of success, the Dependency can scarcely be considered as belonging to those, which the dominant country ought to keep in a state of virtual dependence."

The relevancy of these sensible observations to the case of Gibraltar, and their identity with the arguments which the merchants there, have, at various periods, urged upon the authorities, justify me in reproducing here this long extract. The writer is Sir George Cornewall Lewis, who now holds the office of Chancellor of Her Majesty's Exchequer. As a Cabinet Minister of the Crown, he cannot but be disposed to give his high sanction to the well-considered principles, and sound practice of colonial self-government in the most limited form, which he has clearly and distinctly enunciated throughout his able work.

It was indeed only to provide an authentic organ, through which the person administering the government, and the Home Authorities might learn the opinions, and feelings of the more intelligent part of the people in Gibraltar, and not from any ridiculous aspirations after political power, in a confined territory like the Rock, that the gentlemen of the Exchange Committee were prevailed upon to leave their peaceful, commercial pursuits, in order to engage in the turmoil of politics. They had, however, the satisfaction of finding their labours

rewarded by the approbation of their fellow-citizens, and of seeing their libellous slanderer, and the enemy of their liberties, censured, and removed by the Crown with disgrace from his government.

The exclusive and avowed aim of Sir Robert Gardiner is, to substitute military tribunals, influenced by the will of one man, in lieu of Civil Government and established law. He makes the alleged necessity of keeping friends with the Spaniards, (whose policy in essential points, at one and the same moment, he supports, opposes, or defies, as it suits him,) a pretext for the restoration of the arbitrary state of things, which existed a century ago. I shall look back a little, and take a glance at these model governors. General Bland is extolled to the skies as one of them. He was appointed Governor of Gibraltar, in the year 1748. I have no doubt he was a very brave and meritorious officer in his day. He knew probably how to serve a gun, as well as most artillery officers who have made the march of intellect since, but as regards civil affairs, I fear that he was no great gun himself. He seemed to have a profound contempt for every thing commercial.

Like our modern, Calpean Rulers, he wrote home prosaic essays about "the Whole Duty of Governors," who were enjoined especially "to cultivate the friendship of Spain, preferable to that of all

nations!" not dreaming, poor short-sighted man, that France, and the United States could ever, by possibility, become of higher political, and even commercial importance than Spain—he laid down his narrow dogmas, which are wholly inapplicable to the present condition of the world. He affected an ostentatious desire of keeping on good terms with Spain, which he enforced by such novel remarks as, "Honesty is the best policy," &c. The inflated praise bestowed by Sir Robert Gardiner upon Governor Bland, chiefly on account of his high-handed proceedings, inspires distrust. This obsequiousness to the Spanish authorities is all a farce, and a mockery. We have a picture of these old Governors of a century or two ago, drawn by a master-hand. I fancy I see them in their iron-bound cocked hats, gold lace epaulettes, and pig tails, powder and bag wigs—not forgetting the top-boots and spurs—the personification of English pride and insolence, when exchanging diplomatic courtesies with a Spanish Governor. We have it in a book, which pretends to historical accuracy, and no one can doubt the fidelity of the description. In a memorable case when his Spanish Excellency disputed the "supreme will" of an English Governor, and threatened retaliation, our *bland* ancestor, cocked his hat on his head, placed his arms a-kimbo, and, in the true English vernacular, exclaimed, "Why, sir! If you dare

to give me any of your d——d nonsense, I will kick you from Hell to Hackney!" Now as this may be impeached as an apocryphal tale, or coarse caricature, I will furnish a case from the *historiuncula* of a Governor of Gibraltar. In 1712, Colonel Bennett, the engineer, whose "Remarks on Gibraltar"* I have already quoted, wrote home to the authorities, complaining of the Governor's mal-appropriation of the government money and materials, which were used in repairing the houses, of which the Governor received the rents, and put them into his own pocket. "Of which I often complained," says Colonel Bennett, "and thereby have drawn upon me the Governor's displeasure, inasmuch as that he has threatened to hang me, to break my bones, and has given me the lye." My readers, as high-minded Englishmen, will feel the deepest humiliation at reading the confirmatory statements of similar outrageous conduct, which I have reproduced in Appendix D. They exhibit a frightful picture of the peculation which existed, and of the grasping character and tyranny of successive Governors. Sir Robert Gardiner having retired from office, this characteristic species, of which the Drakes, Shovels, and Benbows were historical examples, will, perhaps, now become extinct. *Nous avons changé tout cela.* But the in-born English pride, which made many

* Vide MSS. British Museum.

celebrated English officers in the days of our ancestors, comport themselves with unspeakable contumely towards Spanish Governors, is, I fear, in spite of Sir Robert Gardiner's homilies, and equivocal example, not yet quite extinguished. Sir Robert Gardiner himself stands convicted of, at least, downright duplicity, in writing one thing one day, to the Spanish authorities, and on the next, quite the contrary to the Colonial Department.* Besides all this, impartial persons, who will take the trouble to consult his despatches to the Home Government, will find abundant proofs of his most overweening, military pride. Looking down superciliously upon all mercantile traders, with an assumed sovereign contempt, he has espoused the part of the Spanish authorities, to the prejudice of English interests, in almost every case in which his interference, as an English Governor, was invoked. In the case of the Lady Rowley, stranded upon the Neutral Ground, he would have allowed the Spanish subordinate Customs' officers to seize her cargo, and literally to plunder it, in sight of the British flag. He surrenders ignominiously the territorial claims, enforced resolutely and pertinaciously by his predecessors, and has the hardihood to tell Lord Palmerston that the small space outside the walls, a part of which is actually used as the Governor's garden, is not English

* *Vide* Parl. Paper, Gibraltar, No. 130, Session 1854, pp. 75, 76.

ground, and "that we do not possess one single square inch of national territory in the isthmus without the gates." He rails against, and seeks to bring into ridicule and contempt the instructions from *the Lords Commissioners of the Admiralty** to Naval Commanders; and deplores, in terms of dolorous despair, the vigorous interference of our naval officers, who act in obedience to the commands from home, and who protect indifferently, all vessels in distress, bearing the British flag. But Sir Robert Gardiner tells us, in his superior wisdom, that no Englishmen are on board these British ships, which are invested with a national character at Gibraltar. "Every plank and spar is Spanish property, and there is nothing English on board, save THE FLAG." Yet, with this essential admission, he goes on to tell us, that "the interference of naval officers leads to baneful consequences, far beyond conception or belief." I feel ashamed to repeat these one-sided, distorted, garbled statements, which are totally at variance with the truth. I had always imagined that the BRITISH FLAG was to be protected at all hazards, in all places, *quand même*. The British ensign is a symbol, if anything is, that the ship is British property, or otherwise the officers

* These words are printed in his book in Italics, I suppose to signify surprise, hierographically, that the Lords of the Admiralty should issue such rational instructions.

at Gibraltar do not do their duty. The FLAG shows to all the world, except to Sir Robert Gardiner, who is in heart more a Spaniard than an Englishman, the proud signal that the vessel is British. But all noble sense of nationality is extinguished by Sir Robert Gardiner's blind prejudices. If he had lived in the days of old, the EGO ROMANUS SUM, would have had no stirring, talismanic power and associations expressive of the universal Imperial dominion of the land of his birth, whose sovereign interests it was his sworn duty to defend, in favour of all claimants, in all places, and at all hazards.

But, no ! Sir Robert Gardiner having taken into his head the insane notion, that he could rule the City, Territory, and Port of Gibraltar, like the Fortress, far better by irresponsible martial law, than by any absurd and useless constitutional procedure, he has sought, and still seeks, to effect his purpose. He tells us that " the existing Colonial Charter was drawn by Judge Field, an honest and upright-minded lawyer, *but just like any other lawyer*, perfectly incompetent to draw a Code of Laws applicable to a FORTRESS." The Charter of Justice made no code of laws whatever. It simply erected a Supreme Court, with power like the Queen's Bench, having force within the Garrison and Territory. There was in it no novelty. The first clause of this Charter revoked a similar Charter issued in the year 1817,

but conferred enlarged Civil powers. The Charter of 1817 was, in like manner, simply a confirmation, with increased powers, of the previous Instruments of 1752 and 1720. In short, this "*Colonial* Charter," as Sir Robert Gardiner persists in calling it, of 1830, simply re-constructed a Court of Law adapted to the exigencies of the place. The Judges appointed to the Supreme Court of Justice in Gibraltar sat there, not to confirm the edicts of arbitrary power, but to preserve the reign of justice ; and they relieved the Governor from the duty of presiding at the Session, to assist in administering a Civil Law, of which he knew nothing ; and they spared the inhabitants of Gibraltar the humiliating spectacle, of a Governor proceeding to the Court House between lines of armed soldiers, to perform the anomalous functions,—which Selden, who, of course, was an "incompetent lawyer," describes as the *legem dicere*, as well as the *legem facere*,—at the point of the bayonet. The Law Officers at home, who also, of course, are "incompetent," and the Ministers of the Crown, who issue "tricky Orders in Council," thought these exhibitions un-English, and at variance with our Constitution, and very judiciously conferred upon Gibraltar a Civil Court, in which the Governor's appellate discretionary power, that "monster of jurisprudence," was abolished.

From this wise and salutary arrangement, for the

administration of Justice *only*, all the alleged "evils of excessive alien population," "Civil Agitation for political municipal immunities," an overburdened pension list, "increased smuggling," "scenes of lawlessness in the Bay," aggravated by the "*relative influences* of quarantine," together with all the alleged ills, which demoralize and afflict society in Gibraltar, have flowed by a surprising *non sequitur* from this "Colonial Charter!" Perhaps, worse than all—let the Muses mourn!—it has spoiled the trade in "dry goods and tobaccoes!"

> "Who makes the quartern loaf and Luddites rise?
> Who fills the butchers' shops with large blue flies?
> Who in St. James' Court with slanders base stings?
> Who * * * *
> Why he, who, forging for this Rock a yoke,
> Reminds me of a line, I lately spoke,
> 'The Tree of Freedom is the British Oak!'"

It is scarcely possible to treat otherwise, than with laughter and ridicule, these perverse attempts to fasten upon a simple Charter of Justice, all the real and imagined woes of Gibraltar. But Lord Palmerston is implored by Sir Robert Gardiner, with a vehemence quite ludicrous and overstrained, "at once, in the plenitude of his power, to revise and reconstruct the Charter of Justice," that is, to make the Governor accountable only "to God and his own conscience;" and further to "abrogate and get rid of

that TRICKY Order in Council, which, by a quibble on the term 'territory,' assigning to it only a technical meaning of 'land,' and divesting it of its lexicographic designations of 'country,' 'national possession,' and 'dominion,' not only puts the waters of Gibraltar beyond the control of the Governor, but renders them a port of refuge for crime and piracy; while it debars to him the option, or discretion of refusing passports under the British Flag to vessels which he knows to be freighted with contraband of Spain, and manned by Spanish outlaws."

Lord Palmerston is much too wise and constitutional a Minister, to deceive himself for a moment, that even "in the plenitude of his power" he can override the laws, by any unwarrantable exercise of the Prerogative of the Crown. The Constitutional power of the Realm, his Lordship is well aware, quite suffices for the proper government of the whole British Empire. His Lordship is the last man in England who would dream of abrogating the Charter of Justice at Gibraltar, upon such shallow and equivocal pretexts.

But how shall I comment, except in terms of indignation, upon Sir Robert Gardiner's false and scandalous epithet of "tricky," as applied in the above passage to the Order in Council now before me, dated 19th June, 1850. I must, at the hazard of wearying my readers, expose this flagrant and out-

rageous insult, directly aimed at the Queen's Most Excellent Majesty, in the exercise of one of the important Acts of the Royal Prerogative. I must explain, that previous to the repeal of the Navigation Laws, the Lords of the Admiralty granted Passes to English vessels navigating the Mediterranean. These Passes had their origin in the conventions subsisting in former times between England and the piratical Algerines and Barbary States. Pursuant to the stipulations of these conventions, the Lord High Admiral issued, through the instrumentality of the Governor of Gibraltar, Passes, or properly speaking, Certificates of Identity, to vessels belonging to Gibraltar, navigating the Mediterranean Sea, to secure the protection of the British Flag against lawless piracy. That nationality and protection were conceded in all cases, whenever the vessel was *duly registered* in conformity with the Act of Parliament for the Registry of British vessels.

When the Navigation Laws were repealed, the power of the Admiralty to issue these papers was taken away as useless, and at a Council held at Buckingham-Palace, 19th June, 1850, present, the Queen's Most Excellent Majesty, His Royal Highness Prince Albert, and twelve Privy Councillors, it was ordered by the Queen:—

"That it shall and may be lawful for the Governor of

Gibraltar, on application to him for that purpose, to grant and issue Certificates to, and in favor of any ship or vessel,"

the simple conditions preliminary to entitle a vessel to the Pass being,

" that the vessel shall be *duly registered*, and *wholly belonging to persons actually residing at Gibraltar, and entitled to be owners of British ships there registered*, for the purpose of investing the vessel with a NATIONAL CHARACTER, or of placing it under THE PROTECTION of HER MAJESTY."

This is the sum and substance of the alleged "*tricky*" Order in Council denounced in such vulgar terms by Sir Robert Gardiner. It is plain that it conferred a direct power upon the Governor, which he did not before possess, and it enabled him to carry out the provisions of the Act for the Registry of British Shipping. If the Governor, "under his hand and seal," conferred a National Character upon an improper craft, it is quite clear that he committed a gross breach of duty. If any improper proceedings took place under colour of a British Flag, wrongfully obtained, it is to the Governor's lâches that such misfeasances are attributable. All the nonsense about "lexicographic designations of country," "national possession," and "dominion," and "putting the waters of Gibraltar beyond the control of the Governor," are pure inventions. There is not one word of truth in such alleged distinctions, in the Order in Council in question, which will be found *in extenso* in the

Appendix E, and all the arguments founded thereon have, in this respect, no sort of applicability.

And yet Sir Robert Gardiner employs this disrespectful language to an act of Her Majesty; and he has the hardihood to dedicate the book, containing these monstrous assertions, to the Chief Minister of the Crown. The whole is a spectre of Sir Robert Gardiner's imagination, conjured up for a very obvious design. Sir Robert despises Registry Acts of British Shipping, and every other legislative enactment which renders property secure, and maintains, under proper regulations, the mercantile Navigation of the Empire. Now, what Sir Robert Gardiner wants, is, that "quashing" all lawyers, as he says he would "quash" all crime, he would have an Order in Council, drawn up by an irresponsible Military Governor, empowering him to grant, withhold, cancel, or restore the National Character of a vessel, just as his supreme whim, caprice, favor, affection, hatred, or prejudice might dictate. It is, of course, quite out of the question, and cannot be conceived, that any modern Governors of Gibraltar would be accessible to corruption, whatever they may have been during the last century. Laws are superfluous to bind the inflexible honor of the British soldier. Merchants and shipowners, who are interested in the inviolability of property, might think that such an Order in Council would, indeed be a "tricky" order, which left their

property in constant jeopardy, at the mercy of a capricious or corrupt Governor! But nothing will satisfy Sir Robert Gardiner, except a government of absolute despotism, in each, and every department of Colonial Administration. It is such expressions as "tricky," which have already called down upon him the Queen's censure, conveyed officially through her Secretary of State for the Colonies. Nevertheless Sir Robert Gardiner returns to the charge unabashed, and tells his Sovereign that she issues "tricky" Orders in Council.

QUARANTINE AND SMUGGLING.

As Sir Robert Gardiner has mixed up together, and confused the two very important questions of Quarantine and Smuggling, I must, in disentangling these topics from the general misconception and prejudice which surround them, follow his example, and treat them in reference to each other.

Sir Robert Gardiner starts with his usual outrageous defiance of truth, by saying that "a Report on the Quarantine of Gibraltar has been printed by the House of Commons, in which sufficient reference is made to the local illicit trade, to show that, at Gibraltar, Quarantine is the HANDMAIDEN of Smuggling." This is a most unfounded allegation against the framer of the Report, and is quite at variance with the fact.

In consequence of the proceedings of Sir Robert Gardiner in 1853-4, relating to Quarantine, which the Duke of Newcastle condemned as "irrational,"

the well-known Dr. Baly, a gentleman duly qualified for the task, was sent by his Grace to Gibraltar, to make a strict investigation into the subject of Quarantine. He performed his task admirably, and in his able Report, published by order of the House of Commons,* so far from saying anything about Quarantine being the handmaiden of Smuggling, Dr. Baly especially avoided the subject, except by throwing out this observation:—

"Whether the British Government should actively engage in the prevention of Smuggling from Gibraltar into Spain, is an abstract question of international law, *which does not fall within the scope of this Report;* but it may safely be assumed *that the British Government will not, with this object,* adopt measures which would be found injurious *to the majority of the British subjects residing at Gibraltar.*"

Dr. Baly having thus, "with a stroke of his pen," demolished all Sir Robert Gardiner's cherished notions about Quarantine, in reference to commerce, as a matter of course Sir Robert falls foul of the Doctor. He regards Dr. Baly's Report as "confined exclusively to a COLONIAL view of Quarantine, with a seeming unconscious absence of thought of the military importance, and necessity of preserving an open com-

* Dr. Baly's Report on Quarantine at Gibraltar, 6th May, 1854. Parl. paper, No. 161.—1855. Moved for by Mr. John Lewis Ricardo.

munication at all times between England and Gibraltar. Nor," Sir Robert adds, "to speak candidly, could I surrender opinions founded on fifty-eight years' experience and knowledge of Gibraltar, to conclusions deduced from a brief sojourn on the Rock, without previous local knowledge, or *military qualification*, and, as I think, evincing too easy a credence to the statements of parties, *whose interests or personal convenience* must in some degree have *influenced the evidence* on which the Report was drawn."

Of course every body who opposes Sir Robert Gardiner's views must be wrong. He alone is in the right. His universal genius combines all the qualifications for the military arts, law, physic, divinity, poetry,* and commerce. But any one who will take

* Vide Parliamentary Paper, 130, 1854, page 77. When the Duke of Newcastle laid Sir Robert Gardiner's Despatches before Parliament, the people of Gibraltar were excessively diverted to find the following quotation from MEASURE FOR MEASURE, figure at the head of an Official Report on Public Debt, Expenditure, &c., in reply to a Minute of the Lords of the Treasury!

"My business in this State,
Made me a looker-on here—
Where I have seen corruption boil and bubble,
Till it o'er-run the stew: Laws for all faults;
But faults so countenanced that the strong Statutes
Stand like the Forfeits in a Barber's Shop."

Sir Robert omitted the following appropriate succeeding line:

"As much in MOCK as in mark."

the trouble to consult Dr. Baly's Report, will discover, that that learned gentleman adopted the most pains-taking precautions, to make himself master of the entire case. He consulted every class of persons on the Rock. He examined carefully into all the circumstances of the interruption of the Land Communication, and the Spanish sanitary Cordon, and he exposed the extreme folly of Sir Robert Gardiner's conduct, in having created all the distress produced by his measures in the winter of 1853–4, by his unavailing attempt to "make Gibraltar England." But let me examine each statement impartially.

Sir Robert Gardiner, disregarding Dr. Baly's Report, travels back somewhat gingerly to the Duke of Newcastle's letter of the 15th January. I should have thought Sir Robert Gardiner would have avoided all mention of that paper, the perusal of which must make his cheeks tingle. An isolated sentence, written under a misconception of the facts, is greedily seized upon by Sir Robert Gardiner to defend a now-abandoned position. The words employed by his Grace were these:—"However locally important the trade with Spain may be, there are general interests involved in a free communication between England and Gibraltar, of a magnitude which forbids their being sacrificed, or even subordinated to its encouragement."

It must be remarked that this was written by

his Grace prior to the reception of Dr. Baly's Report. That learned gentleman, after an elaborate enquiry, lays down a totally opposite doctrine. He says :—

"The improbability of Spain abandoning the quarantine system has already been shown. The other arguments employed by a few persons advocating the separate action of Gibraltar, in regard to quarantine against cholera, need not be discussed here. These few persons support their position, by one or more of the following arguments. First, the arrivals of troops and other occurrences, render it impossible that a strict quarantine should be maintained at Gibraltar, with relation to England, without injury to the imperial interests. That with a view to military contingencies, it is important to make Gibraltar independent of Spain for its supplies, and that this result would follow from a continued intercourse by a cordon at the isthmus. That in so important a Fortress, the interests of trade demand only a secondary consideration. That a great part of the trade carried on between Gibraltar and Spain, is of an illicit character; that it is the duty of the British Government to discourage, and, in every possible way, aid in the suppression of this infringement of Spanish laws; and that the interruption of intercourse for sanitary purposes tends at the same time to effect that object. That quarantine is an useless as well as burdensome practice; that being abandoned at home it should not be maintained at a foreign station, and that it would at length be relinquished by the Spanish Government, if the local government of Gibraltar showed itself determined to submit to exclusion from Spain rather than adopt her quarantine regulations."

To these hypothetical arguments Dr. Baly replies :—

"It will be sufficient to remark that quarantine may be so

conducted as to oppose no obstacle to the immediate landing of troops. 2. That although supplies of the necessaries of life might undoubtedly be obtained from Barbary, yet the character of the Moorish Government being considered, it is very doubtful whether the constancy of the supply from such a source could be safely depended on: that, at all events, a considerable time must elapse before an adequate quantity of several important articles of food could be there obtained; and that it would be unreasonable, without strong grounds, to reject the great present advantage of so convenient a market as that afforded by Spain, for the sake of possible and distant contingencies. 3. AND THAT NO CIRCUMSTANCES CONNECTED WITH GIBRALTAR AS A FORTRESS SEEM TO REQUIRE THE SACRIFICE OF THE INTERESTS OF THE TRADING COMMUNITY."

Until something is discovered more bitter than gall and wormwood, it is difficult to convey a correct notion of the distasteful repugnance, which Sir Robert must have felt, at being compelled to swallow this decision. This point-blank adverse opinion of Dr. Baly demolished all his pre-conceived crotchets at one blow. The erroneous opinions which he, Sir Robert Gardiner, had endeavoured, with so much mistaken zeal and pertinacity, to instil into the minds of the Home Authorities, were thus ruthlessly overthrown. "The practical common sense of Dr. Baly's decision cannot possibly be demurred to!" Dr. Baly, in his summary of the objections to Quarantine, shows incontrovertibly "that the objections to which Quarantine is liable are few, and the actual evils it produces very inconsiderable." He adds:—

"It may sometimes be productive of inconvenience to the military government of Gibraltar; it is annoying to visitors and to inhabitants returning from England; that it imposes additional expense on merchants importing goods from England: these are the chief ill effects which I believe can be imputed to it. That it is a system which has been abandoned in England, and the other arguments which have been put forward in support of an opposite course, seem to me to have but little real weight, while quarantine enforced at Gibraltar, under the circumstances in question, saves the inhabitants from the very serious inconvenience and injury, which follow from an interruption to the intercourse with Spain. I do not, therefore, offer any further statement of the reasons which induce me to recommend to your Grace that, in future, *Gibraltar should so far conform to the quarantine regulations of Spain as may be necessary to keep open the communication between the fortress and that country*, but I shall proceed to show how *the arrangements for the performance of quarantine at Gibraltar may be improved*, and shall subsequently offer one or two suggestions with regard to the matters to be insisted on in negociation with the Spanish Government, on the whole subject." *

After this Report of Dr. Baly, no Minister of the Crown, and I hope no Governor of Gibraltar, will ever think of repeating the experiment made by Sir Robert Gardiner, of cutting off the communication with Spain, with the brilliant notion of causing, by the interruption of trade, such an outcry all over the Peninsula, as to compel the Spanish Government to remove Quarantine altogether!

* Vide Appendix F, where the clear Conclusions of Dr. Baly are set forth *in extenso*.

The whole scheme is so chimerical, so utterly Quixotic, that none but a wild enthusiast, urged on by his prejudices, like Sir Robert Gardiner, could have conceived and acted on it. He did. He broached the project to Earl Grey in 1850, and was never at rest, until he carried it into execution. When the Leopard arrived with troops in November, 1854, shortly after cholera had appeared in England, the existing quarantine regulations were perfectly agreed upon, between the English and Spanish Boards of Health. The merchants, when detailing the particulars to the Duke of Newcastle in their Memorial, distinctly proved that the Governor had broken faith with the Spanish authorities, by violating a compact, made a few days previously with them, to preserve a quarantine of eight days' observation, in conformity with the regulations which had been adopted by the Spanish Board of Health in the neighbouring Port of Algeçiras. But to take Dr. Baly's version of the circumstances:—

"On the 1st of November, H. M. S. Leopard arrived from England with troops, which on the following day were landed; quarantine was then broken (by the Governor of Gibraltar,) and the Board of Health (over which he presides) at the same time issued a Proclamation, removing quarantine from all ships coming from England with clean bills of health, and imposing a 'Quarantine of Observation' of seven days only on vessels with 'touched' bills of health. The Boards of Health at the Spanish ports still enforced a quarantine of eight days on all

ships from England. To maintain the integrity of their system, therefore, the Governor of Algeçiras deemed it necessary to exclude Gibraltar from intercourse with Spain by a 'cordon,' which was established on the 2nd of November. On the same day the British lines were closed, BY ORDER OF THE GOVERNOR of GIBRALTAR, against persons entering from Spain, so that all communication by land was now entirely intercepted."

The events which followed are notorious matters of history connected with Gibraltar. A Deputation was sent to London, to represent to the Colonial Secretary the deep distress to which the people of Gibraltar were reduced, and a Memorial, rehearsing all the acts of injustice, studiously and designedly persevered in by the Governor, was laid before his Grace, who interposed authoritatively as far as he felt his ground, perplexed as he was by the Governor's misrepresentations. The reprimand administered by his Grace effectually checked, for the time, the Governor's proceedings. The total interruption of intercourse with Spain lasted three months, from 2nd November, 1853, to 7th February, 1854. At this latter date, with the Duke of Newcastle's displeasure hanging over him, Sir Robert Gardiner found the distress which he had occasioned pressing severely upon 16,000 inhabitants, yet was nevertheless still unconvinced of his error. But *the Garrison being totally without forage*, he re-imposed a quarantine of eight days on ships arriving from British ports ; and

the land communication with Spain was at once re-opened. The Supreme Council of Health at Madrid, in the meantime, took the whole subject of Quarantine into their own hands, and "the corrupt Governors of Spanish Ports and Local Boards of Health" were directed to adhere to, and enforce certain organic rules prepared by the Supreme Board at Madrid.* The powers of the Spanish Board of Health of Algeçiras to accommodate itself, or to sanction regulations at Gibraltar not altogether in accordance with those of Spain, were thereby taken away, and the Government of Spain only showed by this step, that it is most improbable that Quarantine itself will be speedily abandoned in that country.

In England, it is true, the conviction has become very general, that Quarantine is not an effectual means of excluding cholera, and that even if it is capable of diminishing the risk of the introduction of the disease, the advantage thus afforded by it does not compensate for the injury it inflicts on trade. But these opinions are by no means universally prevalent throughout Europe. In the resolutions adopted at the "Congress on Quarantine," held at Paris in the year 1851, it was not proposed to abandon Quarantine altogether, even with respect to cholera, but merely to shorten its duration; and it is worthy of remark that the resolutions of the Congress, so far as they

* See Appendix G.

related to cholera, were opposed and protested against by both the delegates of the Spanish Government, (M. Segovia, the Spanish Consul, and Dr. Moulau, a former secretary of the Royal Council of Health,) on the grounds of the proposed regulations for Quarantine being too lax, and its proposed duration too short.

It cannot be denied, indeed, that strong *primâ facie* grounds exist for the belief entertained by the Spanish people, if not by the Spanish Government, that cholera, as well as yellow fever, is introduced by shipping, and may be shut out by Quarantine. Since 1828, when yellow fever prevailed so severely at Gibraltar, that epidemic disease has shown itself in the Peninsula only in one exceptional instance; and this immunity of the Peninsula from yellow fever is generally attributed by the people to the stringent Quarantine regulations established in the year 1830, with regard to ships coming from yellow-fever countries.

During the previous twenty years, there had been several outbreaks of the epidemic, all contemporaneous with, or immediately subsequent to the arrival of infected ships from places in which the disease already prevailed; and the exceptional instance referred to, that of the slight manifestation of the yellow fever at Oporto, in 1851, tends to confirm the same view, since all the cases that occurred were traced to communication with two infected ships

coming from Brazil, which, contrary to the Quarantine regulations, had been admitted to Pratique.

So again, with regard to the cholera in 1831 and 1832, when neighbouring countries suffered so severely, the Peninsula escaped, in consequence, as it is believed there, of the stringency of the Quarantine regulations, while the appearance of cholera in Spain, in 1834, is ascribed to the influx of strangers and the lax observance of the laws attendant on a state of civil war.

The Peninsula escaped a second time in 1848 and 1849, while Gibraltar, which had more frequent intercourse with England than any part of Spain or Portugal, experienced a slight visitation; and the reported appearance of the disease at Vigo, during the winter of 1854–55, may be plausibly connected with the fact of that port being the first lazzaretto station for all the northern ports of Spain.

It is needless to discuss here the justice of the conclusions founded on these facts; they are admitted in Spain, and will, in all probability, influence the measures taken by the Spanish Government with regard to cholera for many years to come.

It appears, consequently, that in the measures to be adopted with regard to Gibraltar, no abandonment by Spain of her Quarantine laws must be reckoned on, although the Spanish Government would probably offer no obstacle to any partial modification

of the Quarantine regulations, which the circumstances of Gibraltar might seem obviously to call for, and that the British Government must make a choice between these alternatives,—the allowing Gibraltar to follow Spain in the attempt to exclude cholera by restrictions placed on the ships coming from countries in which cholera exists, or, the submitting to an occasional interruption of intercourse with Spain for months together, for the sake of keeping the port open at all times.

In the above rational exposition of facts, I have adopted almost the *ipsissima verba* of Dr. Baly, and so far from that gentleman being obnoxious to the charge, that he had written " with a seeming unconscious absence of thought of the military importance, and necessity of preserving an open communication at all times between England and Gibraltar," Dr. Baly, on the contrary, in discussing the question in all its bearings, deliberately compares the relative advantages and disadvantages of the two modes of procedure proposed, and takes into consideration the military government of the place, as well as the civil population and its well-being.

I need not say that I entirely concur with Dr. Baly's views, and the more the question is examined, the more distinctly will it appear, " that these two portions of the community of Gibraltar, are only in a minor degree opposed to each other in regard to this

matter, and in the main the same measures are most advantageous for both."

When, therefore, a Governor of Gibraltar, only clothed by his Sovereign, very wisely, with limited powers, presumes to step out of his strict line of duty, and attempts to over-ride, not only the regulations made by the local Governors of the ports of Spain, and by the supreme authorities at Madrid and London, but endeavours to carry his own wrong-headed views into effect, in spite of all opposition, disregarding the needless distress which his perverse measures occasioned to 16,000 people, no expression of censure is too strong to condemn the pragmatic officiousness of such conduct.

But, in spite of all the experience of the winter of 1853–4, and the ex-Governor's admission, in his late Report, that though retail dealers and merchants suffered great distress,—which he, however, persists in saying was "avowedly exaggerated,"—he nevertheless dwells with satisfaction upon the picture he brings out in bold relief, of the rich inhabitants indulging in the "expensive and accustomed luxuries and manner of life among the civil population. The usual number of houses were kept open for reception. The theatre was opened by the amateur *civilians* of the place.*

* The bill of one of these performances is before me. It is dated 2nd February, 1854, five days previously to the removal of

Private balls and all the socialities of life went on in the face of asserted distress; public balls the same. I remember five being held on one night. How are such contradictions of vaunted distress and profusive jubilee to be reconciled?"

the Cordon. Neró fiddled, &c. It is headed—CALPE GARRISON Theatricals, under the immediate patronage of the Governor!!! The "SMUGGLER'S CAVE" being performed elsewhere; the entertainments consisted of "TOM NODDY'S SECRET," followed by Sheridan's "CRITIC." It is not stated what "matter-of-fact man" performed the part of the Governor of Tilbury Fort; but the sentries on the Neutral Ground being bribed and fast asleep, the chief actor,—"every man in his time plays *many* parts,"—exclaims:

"O, mighty Mars! [hush!]
If, in thy homage bred,
Each point of discipline I've still observed,
Nor but by due promotion, and the right
Of service, to the rank of Major-General
Have risen; assist thy votary now. [*Kneeling all.*]
Behold thy votaries submissive beg,
That thou wilt deign to grant them all they ask;
Assist them to accomplish all their ends;
And sanctify whatever means they use
To gain them."

"Give these military fellows a good thing, and they never know when to have done with it. You have no more cannon to fire?"

"Est-il besoin d'exécuter?
L'on ne rencontre plus personne."

Vide Sir Robert Gardiner's Book.

Sir Robert Gardiner is not satisfied with the evidence of the retail trade having diminished more than one-half, as proved by the actual money receipts shewn incontestably by Dr. Baly; the Governor was not convinced, because he did not see "beggars in the streets, the prisons crowded with criminals, and universal sickness amongst the troops and the garrison." Nothing but this would satisfy him that he had committed a perverse error. Our ex-Governor continued obdurate during three months, watching the progress of this heartless, useless experiment; and, because no cases of actual starvation occurred within the place, he now re-asserts, "the pretence of overwhelming distress and cry for placing England in Quarantine was not, in fact, made by the poorer classes, but by the rich and the self-interested. The crisis throughout can only be regarded as a passing agitation to hasten the resumption of colonial intercourse and smuggling with Spain." ! ! !

Then why did he retrace his steps? Simply because he found the experiment a failure, but had not the manliness to avow it. All his bombast about "the dignity of England's Sovereign being concerned in never admitting that any national control, or dominant sway, or power by the Government, or provincial authorities of Spain over Gibraltar, so as to give grounds, however slight,

to the Spanish people to look up to their Government as holding any power over Gibraltar, or that could tend to keep alive the prestige and hope, strongly alive among many Spaniards, that the Fortress will again return to Spanish dominion." All this is unmeaning, ill-timed claptrap, *vox et præterea nihil!*

If these sentiments are genuine, what a pity they did not occur to the Governor when discussing the disputes arising out of territorial jurisdiction, or when called upon to resent the insults offered to the British Flag! Where vigour, loyalty, and determination were needed, he failed in his duty. He has, in fact, but one idea predominant. He says:—"Had not the Governor (meaning egotistically himself) been a *straightforward resolute soldier*, the troops arriving by the Leopard would have had to perform a Quarantine," (which had been preconcerted by himself, with the Spanish authorities,) "or have been smuggled into the Queen's Fortress!" All this vaunted resolution was much ado about nothing; no war, nor prospect of a war, at that time existed. No pressing necessity required the immediate landing of the regiment. The troops, in fact, might have been landed, and placed, as Dr. Baly observes, "under a temporary Quarantine." But no! Sir Robert Gardiner was dying for an opportunity to set up a pretext, which might have some weight with the

Home Authorities, and thus carry out his darling experiment of stopping the Land Communication between Gibraltar and the Campo de San Roque, so as to overawe and dictate to all Spain ! *Calpe parturiens ridiculus mus nascitur.* His scheme fell still-born. It was altogether a misconception. He broke faith with the Spanish authorities, and received for his pains a severe reprimand from England.

This is the appropriate reward for double dealing. The much self-praised conduct of Sir Robert Gardiner was always ambiguous. Every thing he did smacked *tam Martis quam Mercurio.* He is as valiant as Mars when smuggling British goods into Spain is to be prevented ; or as "tricky," to use his own choice word, as Mercury himself, when he wants a pretence to break faith with the Spanish Governors, or Local Boards of Health.

The undisguised designs of the Governor peep out at every hole of his ragged evidence, industriously collected to make out a case "against the Traders and Agents of Traders in England." The burden of all his complaints is, "that these interested parties should interfere, to close the Port of Gibraltar, and debar its *national* communication with England, in order to maintain uninterrupted smuggling with Spain."

Sir Robert Gardiner's prejudices blind him to the commonest and most ordinary perception of things.

He cares not a rush about Quarantine, its sanitary influences over cholera, or as he calls it "the sanitary influence of cholera, whether it is contagious or non-contagious, or of the utility or inefficacy of Quarantine to arrest its invasion or progress,"—all these considerations are subordinate to his predominant fixed idea, that "Quarantine is the handmaiden of smuggling." This explains the cause of his having conceived such a violent ungallant hatred, against this harmless and most innocent lady. But if Quarantine is obsolete folly, then Smuggling is "a murderous trade!" They who follow it are steeped "in innate deep-rooted moral turpitude,"—"they hold the pistol while another pulls the trigger." Our ex-Governor gives in full a free translation of a private letter from a Spanish governor whose name must have been "Harris," and no other, in which he rings the changes on such hard words as "pirates," "ruffians," "assassins," "banditti," "robbers and murderers," and seeks to identify men of education, wealth, and unimpeached integrity "with brigands and their confederates."

Is Sir Robert Gardiner an officer of the English Preventive Service and desirous of recommending himself for promotion? Is all this virtuous indignation directed against persons charged with violation of the laws of England? Is all Sir Robert Gardiner's Utopian and impracticable notions of

"licit free trade," put forth to "quash" the crime of smuggling on the British coasts, and prevent any breach of the Revenue Laws of England? Nothing of the kind. The whole of his absurd efforts spring out of an unaccountable and almost phrenetic desire to watch over the fiscal interests of Her Catholic Majesty.

With this object in view, Sir Robert Gardiner, like a veritable Spanish patriot, rakes up our treaty obligations, and has the assurance to send an English Minister a copy of the tenth article of the Treaty signed at Utrecht in July, 1713, together with a translation in English, in which the chief paragraph of the clause is altogether garbled, and an entire passage omitted, apparently with a view to construe the Treaty adversely to England, and in favor of the pretensions of the Crown of Spain. In order that my readers may form their own opinion of this perversion of the text of a public State document, I shall briefly detail the chief events which led to the Treaty of Peace and Friendship between Queen Anne and Philip V., which Sir Robert over and over again quotes, solely with the object to prove our deliberate abandonment of the "*conditions* against smuggling, under which the Fortress was ceded to the British Crown."

OUR ORIGINAL TREATY OBLIGATIONS WITH SPAIN CONCERNING GIBRALTAR.

Sir Robert Gardiner, in every variety of objurgation, reproves England for not observing the obligations contracted by the tenth article of the Treaty of Utrecht. It seems to me, that Sir Robert Gardiner, like many others, is in a state of outer darkness respecting the history of the Capture of Gibraltar, and of its acquisition by England. A brief and authentic sketch of our political relations with Spain and France at the time, and of the circumstances under which we obtained possession of the Rock, will dispel a vast amount of popular ignorance upon the subject, and will enable many of my readers, probably for the first time, to understand the full scope and meaning of the terms employed in the Treaty of Utrecht, with reference to Gibraltar.

The death of King James II., the ex-King of England, took place at St. Germains on the 16th September, 1701. Louis XIV. immediately caused

the titular Prince of Wales, better known as the old Pretender, to be proclaimed King of England, Scotland and Ireland. We immediately withdrew our Ambassador from Paris, and strengthened our Alliances with Holland, and the Emperor of Germany. The demise of King William III. supervened on the 8th March, 1702, and Queen Anne succeeded. On the 2nd May in the same year, war was formally declared against France and Spain. It was debated in Council, whether England should declare war against these two Powers, or whether it would not be more expedient for the English, in the conjuncture, to act as auxiliaries with Holland and Germany, to check the aggressive designs of Louis XIV. upon the Netherlands, to interpose a barrier for the States General, and to prevent the union of the Crowns of France and Spain under one and the same king. Marlborough was placed at the head of our army, and Prince George of Denmark was created Lord High Admiral, with a Council. Admiral Sir George Rooke was sent with the fleet to Cadiz, with a body of troops under the Duke of Ormond.

In the following year, 1703, Sir Cloudesley Shovel was despatched with the Confederate fleet, upon a similar expedition. He landed on the Coast of Valencia, and sent a message to the Governor, explaining that the English did not come as enemies, but as friends. The Spaniards drank the health of

the Arch-Duke of Austria, and expressed great hatred of the French. The Manifesto of our Admiral declared that "he did not design any harm, but to protect such of them, who, remembering their ancient obligations to the House of Austria, should swear allegiance to their lawful sovereign, the Arch-Duke Charles, and endeavour to throw off the yoke of France!" When the Confederate Fleet arrived at Leghorn, Count Lamberg, the Imperial Ambassador at Rome, hastened thither, went on board, and acquainted the English Admiral, that the Arch-Duke of Austria had been proclaimed King of Spain at Vienna, on the 12th of that month, by the name of Charles III.; upon which the English fleet fired a salute.

In 1704 a fresh expedition was equipped, and the command given to Sir George Rooke. The following curious Royal holograph letter, written by Queen Anne, and addressed directly to Sir George Rooke, shows the deference that was paid to Charles III., the secrecy sought to be observed, and the little confidence which Her Majesty reposed in the Ministers around her:—

"St. James, Jan. y^{e} 22, 170$\frac{3}{4}$.

"You haveing represented that the King of Spain seem'd "desirous upon y^{e} first turn of y^{e} wind to make y^{e} best of his "way to Lisbon with such clean ships as shall be in readynesse "for y^{e} service, and this matter requireing y^{e} greatest secrecy, I "think it proper to give you orders in my own hand, to pay y^{e}

"same obedience to the King of Spain, as to the time and "manner of his setting saile, and as to y^{e} number of ships w^{ch} "shall be in a readynesse to attend him, as you would do to "myself.

"I am,

"You very affectionett

"freind,

"For Sir George Rooke."

"ANNE R." *

(Endorsed).

"Janr$^{e.}$ ye 22d, $170\frac{3}{4}$.

"The Queene ab^{te} carrying the Kg. of Spaine, in some cleane ships."

"Rec$^{d.}$ Febr$^{r.}$ y^{e} 6th.

"per The Duke of Somersett."

The Arch-Duke, the second son of the Emperor of Germany, was conveyed by Sir George Rooke, in the English fleet to Lisbon, where the Arch-Duke—or, as he was styled by our Queen, King of Spain—was received with all the honors of a crowned head, by the King of Portugal. Sir George Rooke having afterwards proceeded to Cape St. Vincent, with a fleet of sixteen ships, was joined on the 29th April, by the Prince of Hesse Darmstadt with six Dutch ships, having under his command two companies of foot, made up of Spanish deserters.

* The above letter was found amongst the papers of Lord Dudley, Sir George Rooke's representative, and is preserved carefully in an interesting volume containing the holograph letters of many of the Sovereigns of England, now in the British Museum. I have copied it *literatim.*

It was expected that two thousand landsmen would be put on board, but Sir George sailed without them. After falling in with several French ships, which escaped pursuit, the fleet, at the pressing instance of the Prince of Hesse, proceeded to Barcelona, which place was summoned to surrender, and bombarded ineffectually. Again Sir George Rooke fell in with the French fleet, which escaped to Toulon. These proceedings of the English expedition were undertaken capriciously, as nothing was to be attempted, but with the approbation of the King of Portugal and the King of Spain, that is Charles III., whose cause we espoused, against Philip V. who was *de facto* king upon the throne.

A scheme to bombard Gibraltar was suggested. Sir Cloudesley Shovel, Sir John Leake, and Wishart, were present at the Council of War, and it was resolved to cannonade the place, and endeavour to reduce it to the obedience of the King of Spain. The place was accordingly summoned in the name of Charles III., which summons was rejected "with great obstinacy," the answer being, "that the garrison had taken the oath of fidelity to Philip V., and as faithful subjects would die in its defence." *

The place being bombarded, it surrendered, and was taken possession of on the 24th July, 1704, in

* Lediard's Naval History, vol. ii., p. 790.

the name of His Catholic Majesty, the King of Spain. The fifth Article of the Capitulation ran thus:—

"That such inhabitants and soldiers, and officers of the "Town, as are willing to remain there, shall have the same "privileges they enjoyed in the time of Charles II., and their "Religion and Tribunals shall be untouched, upon condition "that they take an oath of Fidelity to King Charles III."

During the remainder of the war, there was every reason to imagine, from the conduct of England, that she considered herself as holding the possession of Gibraltar for that Prince, whose pretensions to the Spanish Monarchy she supported.

In confirmation of this view of the case, I must point out that the Declaration published by the Earl of Peterborough, on the 1st May, 1705, when he arrived on the coast of Catalonia, expressly declared "that the Queen of England had sent her forces into "those parts to maintain the just rights of the "House of Austria to the Monarchy of Spain, and "not to take possession of any place in the name of "Her Britannic Majesty."

In July, 1705, King Charles III. embarked on board the Confederate Fleet, and having arrived at Gibraltar, he took possession of His Kingdom of Spain, and was received as lawful Sovereign. Barcelona was afterwards taken, and the same formalities were ceremoniously observed. The first public information of a contrary policy, was contained in the

Queen's speech on the 6th June, 1712, where, it is said, "That the Mediterranean TRADE, and the "*British interest and influence* in those parts, will be "secured by the possession of Gibraltar and Port "Mahon, with the whole island of Minorca, which "are *offered to remain in our hands*."

It is a singular circumstance, however, and rather casts a doubt upon the truthfulness of this royal declaration, that Gibraltar and Minorca should be "thus offered to Great Britain" in the month of June, though neither was contained in the Specific Demands of Her Britannic Majesty of the 5th March preceding.*

Throughout the whole course of the negotiations, which led afterwards to the Treaty of Utrecht, and made patent by the clauses of the Treaty of July, it was never doubted that the restitution of Gibraltar would be effected, for some adequate equivalent. Indeed seven years subsequent to the Treaties of Utrecht, George I., at the instance of his Ministers, wrote a letter to "his Brother," Philip V., dated St. James', 21st June, 1721, in which he said:—"I do no longer "balance to assure your Majesty of my readiness to "satisfy you with regard to your demand, touching "the restitution of Gibraltar; promising you to "make use of the first favorable opportunity to "regulate *this article* with the consent of my Par-

* See House of Commons Journal, vol. xvii., p. 258.

" liament."* If any doubt can still exist respecting the ambiguous proceedings of the English Ministers, it will be removed by referring to the 2nd Article of the Treaty, signed at Vienna, between the Emperor and Philip V., May 1st, 1725; wherein it is plainly recorded, "that the Spanish Minister represented to the Court of Austria, that England had promised the restitution of Gibraltar; and that the Emperor pledged himself not only not to oppose that restitution, but to employ all his good offices for that purpose; and if the parties deemed it necessary, even to act as mediator." Many years subsequently to that period, the exchange of Porto Rico, as an equivalent for Gibraltar, was urged, both as an act of justice to Spain, and as an arrangement beneficial to England.

We have, however, held fast our conquest; and Time has now sanctified the usurpation. But it seems undeniable, that the right which Great Britain had to the possession of Gibraltar rests upon this foundation. That having entered into a war, in conjunction with other Powers, to support the pretensions of one of the candidates for the Spanish Monarchy, with the assistance of these allies, we unexpectedly conquered for him, or at least in his name, an important Fortress belonging to the

* This remarkable Royal Letter is inserted at full length in Appendix H, and is well worthy a perusal. *Vide* also Commons Journals, vol. xxi., p. 285.

Monarchy which he claimed, and having concluded a separate peace with his opponent, we secured that possession for ourselves, under an implied engagement that it would be disposed of, at some future period, for an adequate compensation.

The historical data above given will clear the ground for the consideration of the Treaty of Utrecht, the Spanish version of which Sir Robert Gardiner gives correctly in the following text:—

" *Articulo X. del Tratado de Utrecht en que se cede con ciertas " condiciones la ciudad y Castillo de Gibraltar á la Gran " Bretaña.*

" El Rey Catolico, por si, y por todos sus sucesores, cede " por este Tratado, á la Corona de la Gran Bretaña, la plena " y entera propriedad, de la ciudad y Castillo de Gibraltar, " juntamente con su Puerto, y las Defensas y Fortalezas que le " pertenecen, dando la dicha propriedad para que la tenga y " goze absolutamente con el entero Derecho y para siempre, " **sin excepcion ni impedimento alguno; pero, para evitar los " abusos y fraudes que podria haber en la introduccion de las " Mercaderias, quiere el Rey Catolico, y supone que se entiende " asi**; que la dicha propriedad se cede á la Gran Bretaña sin " jurisdicion alguna territorial, y sin comunicacion alguna abierta " con la region circonvecina de parte tierra: y como la comuni- " cacion con las costas de España no puede estar abierta y " segura en todos tiempos, y de aqui puede resultar que los " soldados del Presidio de Gibraltar, y los Vecinos de aquella " ciudad se vean reducidos á grande augustia, siendo la mente " del Rey Catolico solo evitar la introduccion fraudulenta de " mercaderias con el comercio de tierra se ha convenido, que " en estos casos, se pueda comprar, á Dinero de contado en la

" region de España circonvecina, la provision y demas cosas
" necesarias para el uso de las Tropas del Presidio, y de los
" vecinos y navios que estuvieren en el Puerto, pero si se
" aprehendieren algunas mercaderias introducidas por Gibraltar,
" ya para permuta de viveres, ó ya por otro fin se adjudicaran
" al Fisco, y dando quexa de est contravencion del presente
" Tratado, seran castigados severamente; y S. M. Bretanica
" *á instancia del Rey Catolico, consiente y conviene* en que no se
" permita por motivo alguno, que Judios ni Moros habiten, ni
" tengan Domicilio en la dicha Ciudad de Gibraltar, y que no
" se de entrada á los Navios de guerra de los Moros en el
" Pueite de aquella Ciudad, con que se pueda cortan comuni-
" cacion á Ceuta, or ser infestados las Costas-Españoles por los
" Moros: y como hay tratados de Amisdad y Libertad, y fre-
" cuencia de Comercio entre los Vasallos Bretaños y algunos
" regiones de la costa de Africa, se ha de entender siempre,
" que no se les pueda negar la entrada en el puerto de Gibraltar
" á los Moros y sus Navios que solo vienen a comerciar. Pro-
" meta tambien S. M. la Reyna de la Gran Bretaña, que a los
" habitantes de la dicha Ciudad de Gibraltar se les concedera
" el uso libre de la Religion Catolica Romana.

" Si en algun tiempo á la Corona de la Gran Bretaña la
" parecière conveniente dar, vender ó enagenar la dicha Ciudad
" de Gibraltar, se ha convenido y concordado por este Tratado,
" que se la dara á la Corona de España la primera accion antes
" que á otros par redimirla."

The following is Sir Robert Gardiner's garbled English translation of the above clause:—

" The Catholic King, for himself and his successors, cedes to
" Great Britain the entire possession of the City, Castle, Port,
" and Fortications of Gibraltar, to hold and be enjoyed abso-
" lutely, and in full right for ever, and without any reserva-
" tion."

The English text, printed by authority, says:—

"**Without any exception and impediment whatsoever.**
"**But that abuse and frauds may be avoided, by importing**
"**any kinds of goods, the Catholic King wills, and takes**
"**it for granted, that the above-named Propriety** (*sic in*
"*or.*) **be yielded to Great Britain, without any territorial**
"**jurisdiction, and without any open communication by**
"**land.**"

The whole of the above passage is omitted altogether by Sir Robert Gardiner. He pretends to give an exact "copy in translation," and in face of the express Spanish words, and to make out a case for Spain, he asserts, point blank:—

"Not the slightest territorial jurisdiction is conceded, nor "any open communication by the land-gate with the country "immediately around, to avoid all frauds that might be com-"mitted: and as the communication by sea is not always "secure, and as the garrison and inhabitants of the place may "occasionally feel a scarcity, and be in need, it is in such case "permitted them to buy with ready money, in the nearest "parts of Spain, the provisions and other things that the "garrison, the inhabitants, and the vessels in the port, may "require.

"The merchandize that shall be extracted from Gibraltar to "be exchanged for provisions, or with any other object, shall "be confiscated; and those contravening in this shall be "severely punished. Her Britannic Majesty agrees not to "permit to dwell, nor remain in Gibraltar, neither Jews nor "Moors, nor to allow the vessels of the latter to have shelter "or protection in the Port, for if it were permitted, the Moors "might cut off the communication with Ceuta, and annoy the "coasts of Spain; nevertheless, as they may be engaged in

" commerce with Great Britain, entrance to the Port shall not
" be refused to vessels solely engaged in trade. Her Britannic
" Majesty obliges herself to tolerate the free exercise of the
" Catholic Religion [*does further promise, that the free exercise*
" *of the Roman Catholic Religion shall be indulged*]; and in case
" the possession of Gibraltar should be alienated, it is cove-
" nanted that preference, to the entire exclusion of all other
" pretenders, shall be given to the Crown of Spain." *

The omission of the words by Sir Robert Gardiner, which appear in black type, is altogether inexcusable. If the Colonial Secretary, when he received the Governor's despatch, could have read the true text of the treaty, his mind would not for a moment have been warped from perceiving the full intent of the parties. The words omitted in the translation of Sir Robert Gardiner, when restored to the text, cut the ground from under the alleged claims of Spain founded on that treaty. The words, "the Catholic King *wills* and *takes* (suponga—SUPPOSES) *it to be understood*," &c., are expressions obviously employed to hoodwink the Spanish people, and to spare his Catholic Majesty, as much as possible, the mortification of acknowledging in painful terms the cession of a possession, which, as it was well said at the time, "Spain did not value until she had lost it." The national pride was wounded as little as possible; the Spaniards were made to swallow *una pilula amarga*

* The authorized copy of English translation is given in Appendix I.

dorada; but no express obligation was stipulated, on the part of Great Britain, with respect to smuggling.

Whatever courtesy or consideration we may desire to show towards Spain, whether from a friendly feeling, or higher motives of public policy, stands on other imperial grounds. The intent and meaning of the parties, are self-evident from the following passages in the next division of the clause, where Her Britannic Majesty, *at the request* of the Catholic King, DOES CONSENT AND AGREE, that Moors and Jews shall not have their dwellings in Gibraltar. And lastly, Her Majesty, the Queen of Great Britain, does further (*prometa*) *promise*—not oblige herself, as Sir Robert Gardiner asserts—" that the free exercise of the Catholic Religion shall be indulged to the inhabitants."

It is beyond all doubt that this language does not bind Great Britain in the same way that the stringent obligations of various clauses of the other treaties and renunciations, signed at Utrecht, were drawn up and enforced. The Treaties of "Guaranty for the Protestant Succession," and the Treaties of Peace and Friendship, to which Spain was a party in 1713, by which the evil of the union of France and Spain, under one and the same king, was to be obviated by renunciations, drawn in solemn form, were recently all disregarded by Spain, when

solemnizing the marriage of an Infanta of Spain, with one of the Princes of the House of Orleans. And it is indeed monstrous, that a British officer should quote the Treaties of Utrecht as a pretext for charging the British nation with bad faith, on a minor point, which, if conceded, would be as hostile to our interests, as it would be obnoxious to the people of Spain, who desire to consume our manufactures.

In reviewing the clause of the Treaty of Utrecht, the will and desire of His Catholic Majesty about territorial jurisdiction without the walls, is a mere GRATUITOUS ASSUMPTION of His Catholic Majesty, unsupported by any mutual agreement by the contracting parties. The second point in which England *consents* and *agrees* to forbid the residence of Moors and Jews within Gibraltar, is at variance with the laws of England, which accord civil liberty to every class of religionists, and, in fact, has not been adhered to. Moors and Jews notoriously live in Gibraltar, and it would be as hazardous and unwise to turn them out of the place, as it would be to expel the Rothschilds, the Montefiores, and the Goldsmids from London.

If we were to attempt to expel the Jews from Gibraltar, we may be very sure they would soon find a speedy refuge in the English Parliament, from which they are as yet excluded. I may safely leave Lord John Russell to contest this point with Sir

Robert Gardiner. The vague promise (there being no *obligation*, as Sir Robert Gardiner alleges) to afford civil and religious liberty to Roman Catholics, was studiously evaded by the English Government until later years, when the Roman Catholic Emancipation Act effectually broke the fetters of the Papists in Gibraltar.

It will suffice for me to have shewn, that we hold Gibraltar by conquest, in contempt of Spain and of all the world. We hold Gibraltar not so much by its military strength and prestige, since, like Sebastopol, Gibraltar might possibly fall when besieged, starved, and insulated. But so long as we maintain our position, as a maritime power, Gibraltar must remain an inalienable inheritance of the Mistress of the Ocean, and we need trouble ourselves very little what the envy of foreign nations, incited by Sir Robert Gardiner, may suggest, by way of casting a reproach upon its proud possessors.

The merchants of Gibraltar in connexion with London, Manchester, Liverpool, Leeds, and Birmingham, are perfectly free from the charge of smuggling. Sir Robert Gardiner admits that we have an undoubted right to sell Manchester goods in Gibraltar, which is all the English merchants do. Having delivered the goods sold to the purchaser, their business and responsibility end. But having admitted this, Sir Robert Gardiner rushes, in his wild imagi-

nation, to the sad thought of "harbouring outlawed villains of Spain of every shade of crime and villany, and granting passports to such characters to trade in contraband under the British Flag; rendering the English dominion of Gibraltar a very curse to Spain."

Now, Sir Robert knows as well as any man living, that high, or prohibitory duties in every country are the sole cause of smuggling. If Spain relaxed her tariff, smuggling would cease instantly. "Oh," but Sir Robert Gardiner says, "*Spain cannot do that yet.*" What does he know about the matter ? Who gave him authority officially to tell Lord Palmerston, above all men living, what Spain can do, or what she can not do ?

Lord Palmerston is a Free Trade minister, and understands the whole subject *à fond.* Lord Howden is our ambassador at Madrid, and is a thousand fold better qualified than Sir Robert Gardiner to negociate with the government of the Escurial, concerning smuggling and quarantine, and to discuss the doctrines of Free Trade. Sir Robert's theories of "licit Free Trade," in the teeth of prohibitory duties, are the ravings of a distempered brain. Nobody heeds him, nobody marks him. In glancing through his lucubrations, interspersed *passim* in the Gibraltar Chronicle, in his despatches, and in his recent book, the principles enunciated are so un-English, so utterly irreconcilable with common sense

and local experience, that it is needless to reproduce here the long public correspondence, and the memorials of the merchants during the last few years, in order utterly to refute them. (Vide Appendix K.)

Sir Robert Gardiner has raked up the Newgate Calendar of Gibraltar for many years, in order to discover, and to parade ignominiously, any act of smuggling which might serve his anti-British purpose. Although acts of piracy, and deeds of frightful atrocity are committed by Spaniards, ever on the alert to issue forth from the neighbouring port of Algeçiras, Sir Robert Gardiner is blind to their heinous offences. Gibraltar alone is the focus of crime. The official records of Gibraltar give the flattest contradiction to these aspersions; and indeed Sir Robert Gardiner makes the absence of crime in Gibraltar, one of his chief arguments to get rid of the detested, civil institutions. How can he justify these irreconcileable statements? I have before me abundant legal proofs to refute the allegations he has crowded together of the atrocious acts of smuggling and piracy, all put exaggeratively against the English. But, as my counter statements would necessarily want the support of direct legal testimony, involving endless details, I can only refer to the Appendix L, and to the public records of Gibraltar, in support of my English plea of "not guilty, upon my honor."

The presentments of the Grand Jury satisfied the

Duke of Newcastle, that the alleged scenes of lawlessness were all fabulous, and were a mere invention of Sir Robert Gardiner, to bolster up his case. The respect in which Captain the Honorable G. Grey is held, attests, beyond all cavil, the desire of the inhabitants to uphold and maintain the authority of the Civil Power.

I cannot, however, dismiss this subject without giving the flattest denial to the statements made by Sir Robert Gardiner, that the troops of the garrison, employed in its extra-mural duties, (Sir Robert Gardiner had just before said, that we have not an inch of territory without the walls,) "are demo-"ralized by bribery, and become familiarized with all "the crime and profligacy of this depraved traffic." It is all imaginary and untrue. Who but Sir Robert Gardiner would dare to say that the British soldier at Gibraltar, "casts off all restraints of discipline, and "for the spirit of a soldier, imbibes the sordid sti-"mulus of a buccaneer!" The fact is, Sir Robert Gardiner, by every effort in his power, has constituted himself the guardian of the Queen of Spain's interests. A ruthless murder having been committed by the Spanish carabineers, under reach of the muskets of British soldiers, this murderous act of a Spanish ruffian, who shot down a defenceless man, was referred to in the Governor's Garrison Order of

that night, in terms which I shall not venture to stigmatize as they deserve.*

For all these proceedings, Sir Robert Gardiner has been reprimanded, and now, in his spleen, he has the hardihood to say, "that the pass-word of any stranger passing a sentry on the British outposts, was 'I'm Smuggler.'" And he tells us that the soldier's pride and honor are sapped and undermined by the bribes offered him. For the spirit of a soldier, he imbibes the sordid stimulus of a buccaneer! &c., &c.,—adding, "the evil calls loudly for *legislative* correction."

The whole story is a mere fiction of the soldier's enemy from beginning to end. Sir Robert Gardiner seizes upon every accidental extrinsic circumstance to exaggerate his case. He goes out of his way to quote, with extreme unction, Lord John Russell's speech of the 10th February, 1854, on introducing a Bill for the better Prevention of Bribery at Elections, in which a comparison is drawn between the offence of bribery, in so far as allusion is made to the general collusion of all parties to keep it secret, with the clandestineity practiced in smuggling. Lord John Russell knows that bribery at elections cannot be put down by mere legislative enactment, neither can foreign smuggling be suppressed by force, or law so

* *Vide* Parl. Paper, No. 130, Session, 1854, pages 16, 17.

long as high or prohibitory duties prevail. Whenever such attempts have been made, *la contrabande se fait bientôt à maine armée.* A perpetual succession of petty hostilities ensues. Sir Robert Gardiner should, like General Bland, try "a practical experiment," and move Lord John Russell to bring a Bill into Parliament, to prevent the smuggling of Manchester goods into Spain. It would be curious to hear the opinion of the Manchester people on the subject of this self-denying ordinance. As Lord John Russell delights in comprehensive organic measures, the contraband trade of introducing Manchester goods into Austria, Russia, France, might be interdicted in this happily conceived Bill. "The wretch" as Dr. Johnson lexicographically styles a smuggler, who ventured directly, or indirectly to procure the admission of a bale of Manchester goods into the interdicted countries, should be brought forthwith before a drum-head court martial, and as many Spanish stripes should be inflicted upon the culprit as Sir Robert Gardiner, in "the plenitude of his power" and caprice might choose to award. Is this "the legislative enactment" which Sir Robert Gardiner calls for? and if not, what does he demand, but the annihilation of smuggling in our trade with Spain, by martial law. It is a waste of time to refute such nonsense in commercial free-trade England, above all countries in the world.

Every publicist condemns what Mr. Jeremy Bentham calls æthnoplutistic, or anti-free-trade laws. But as Greenwich Hospital, the Admirals of the Navy, and the Captains of Her Majesty's ships, who have conveyed millions and millions of treasure from Mexico, and the Pacific, under the authority of Parliament, have derived their chief emoluments by smuggling the precious metals during a century past, in utter defiance of Spanish and South American laws, I leave Sir Robert Gardiner to settle "the moral question" with the officers of Her Majesty's Navy, whose honor and integrity stand quite as high as his own. If Buonaparte, in the plenitude of his power, when he enforced his prohibitory Berlin and Milan Decrees, with all the appliances of his vast military and naval régime, his influence stretching to every corner and port of the Continent, from which we were rigorously excluded—if that "resolute soldier" failed in accomplishing the annihilation of English contraband foreign trade, what hopes can Sir Robert Gardiner have of succeeding in such a chimerical anti-British design?

Sir Robert says there is no possibility of getting the exports of goods from England, except by access to the Tables of the Board of Trade. Where should he expect to find them? I annex in Appendix C, No. 5, the exports, for his information. The exports in 1851–2, when he wrote one of his despatches to Earl Grey,

were about half a million. In 1850, the exports for England were only £388,141. Sir Robert Gardiner laments, in dolorous accents, that he had been informed that, in 1823, the smuggling trade of Gibraltar amounted to nearly a million sterling! This being officially proved, it seems self-evident, that the smuggling trade of Gibraltar had fallen off one-half! What then becomes of his argument, that the smuggling trade of Gibraltar has increased? He knows nothing whatever about the matter. The conclusions rushed to by Sir Robert Gardiner are all founded upon conjecture, or distorted by prejudice; as it is quite plain, that from the free and safe depôt at Gibraltar, the goods might have been transhipped in transit therefrom, and despatched in a perfectly legitimate course of trade to other places, wholly irrespective of the trade with Spain.

Sir Robert Gardiner talks sneeringly "of insignificant persons" being engaged in trade at Gibraltar connected with that odious place, Manchester; and says, "that there are only seven British, three Spanish, and four other foreign merchants, in all only fourteen merchants in Gibraltar." I have before me a list prepared with great care, containing the individual names of all the firms, and resident members established at Gibraltar, and instead of only seven British firms, there are no fewer than thirty-two firms, having houses also in Liverpool, Manches-

ter, and Glasgow. The British firms established in ·Gibraltar consist of forty-three resident members, besides six opulent British dealers, together with more than a dozen Spanish, Italian, Portuguese, German, Danish, and American mercantile firms. Such is the habitual falsification of facts by Sir Robert Gardiner, in his confidential Despatches to the Colonial Office.

The British and Foreign Merchants established at Gibraltar represent vast interests connected with England. A large portion of the perfectly legitimate trade of the Mediterranean is carried on through Gibraltar; and although Malta, and various other rival ports, now divide with Gibraltar the commerce of that part of the world, it is very certain, that any attempt to destroy the Freedom of the Port of Gibraltar would be deeply resented by the mercantile community at home; it would be scouted in Parliament; and would, as happened one hundred and fifty years ago, place the Garrison of Gibraltar in constant danger of having its supplies of food and necessaries made precarious and insecure, or in times of war of being utterly cut off.

It is quite needless to argue further the question of the morality of the British contraband trade with Spain. I have shewn that the Treaty of Utrecht does not bind England to do more than act in a friendly manner towards the Spanish Government. Therefore when Sir Robert Gardiner tells us, that

smuggling in Catalonia and elsewhere, is *the cause of the high tariff in Spain*, he knows perfectly well that he inverts the order of things, and places the cart before the horse. The high tariff and prohibitive system of Spain are the whole and sole root of the evil. Let Spain lower her tariff, and she will speedily replenish her exchequer. With a grave, adventurous, romantic, honorable, and generous people, she may, with industry and perseverance, yet regain a position amongst nations, and bring back the days of her past power and glory, in all their lustre. No class of the Queen of England's subjects would rejoice at this more than the merchants of England. Smuggling would at once cease to exist; and a licit trade, founded upon the mutual wants of both nations, would spring up, cemented upon a community of interests, which would bind indissolubly the two nations. But whilst Spain, with an insecure unchanging government, stands ever tottering on the brink of revolution; whilst anti-British sentiments are studiously fomented by false friends, or open enemies; whilst a prohibitive system excludes Manchester goods from consumption in the towns and villages of the Peninsula; whilst monopolies of tobacco and salt are upheld by slothful and corrupt officials; and the helpless people are actually debarred the privilege of taking water from the salt sea!—not all the combined powers of the governments of both countries, if they

were so directed, can suppress the contraband trade with Spain, now carried on by the Spaniards themselves, and not by Englishmen.

I purposely refrain from following Sir Robert Gardiner through his political and commercial history of Gibraltar, from the conquest to this time. Most of his statements are altogether without foundation; some are put forward in deplorable ignorance, or so distorted to subserve his main purpose, that they need no refutation. When he devotes some score of pages to show that we ought to exclude the Americans from the tobacco trade, and other commerce of Gibraltar, citing instances of a prohibitory policy in times of war nearly half a century ago, when the Berlin and Milan Decrees were in force, and the United States and England were on the brink of a war, it is obvious that Sir Robert Gardiner has been asleep, since the war in the Peninsula in 1810. I beg to remind him, that the Navigation Laws are totally repealed; and, indeed, he might as well attempt "to restore the Heptarchy" as to induce any government of the present day, to fall in with his absurd views, setting aside the fact, that we are bound by treaties, quite as solemn, and far more binding, than that of Utrecht, to place the commerce of the United States upon the footing of the most favored nations.

When, therefore, he clutches at absolute power,

which he asks to be conferred on the person administering the government of Gibraltar, in order to prevent transhipment in the Bay, OF ALL ARTICLES, and thereby destroy the freedom of the Port, he does but bite against a file, or, to repeat his favorite simile, "he beats the air in vain." Sir Robert will find that his strategy—"Still move on; you may fail in your first cast, but move on; you may gain something another time," will incessantly be circumvented; and every renewed attempt will bring down upon him fresh discomfiture.

THE PLAN

OF

THE NIGHT ATTACK ON GIBRALTAR REVEALED.

I shall very briefly allude to Sir Robert Gardiner's patriotic scheme for the capture of Gibraltar. I have transferred to the Appendix (M) the details of this extraordinary imaginary exploit. I shall not attempt to provoke the opinions of military men upon the subject. Whatever judgment may be passed upon the plan in a military, or strategetic point of view, certain it is, that a Report made to Earl Grey, in the strictest official secrecy, ought not to have been published to the world, and to foreign powers, in breach of all the rules of discipline, and in defiance of the Queen's regulations. The Governor of Gibraltar must have exclusive and peculiar opportunities of becoming well acquainted with the forts and foibles of the Fortress. If he is an intelligent

engineer, by residing there a long time, and devoting himself to the study of the fortifications, he can, in the language of Lieutenant-General Skinner, Governor of Gibraltar in 1770, "make himself master of the defences of the place, he can become acquainted with every work, every precipice, and every fort and foible on the mountain." But to disclose the results of his deep experience to the world, from any feeling of vanity, resentment, or worse motive, must be pronounced to be an act of inexcusable fatuity. I have no means of ascertaining the sentiments of Lord Panmure, and of Sir Robert Gardiner's superior officers, with respect to this unsoldierlike proceeding; but I shall be greatly surprised if some steps are not adopted, to vindicate the authority of the Crown in such a flagrant case of violation of duty. The extracts, copied textually from the Report of Sir Robert Gardiner to Earl Grey upon this subject, will enable my professional and non-professional readers to draw their own conclusions upon the matter in all its bearings. It would be presumptuous in me to pass an opinion upon Sir Robert Gardiner's military tactics. These, however, he cannot enforce without premising their exposition by the eternal refrain—

> "Gibraltar, though now denominated a colony,
> Can never be so but in name."

When an ex-Governor of Gibraltar deliberately reproduces a secret despatch, written five years previously, telling the world that we are "*at present* far below our mark in *prudence*," with regard to the efficiency and number of the Garrison; when he describes circumstantially the position of the Fortress in its military and civil aspects, and then leads an imaginary force of infantry along the Neutral Ground, headed by himself, in two columns, to a simultaneous assault, calculating and discussing all the chances of a repulse, the scene becomes inexpressibly exciting. Having executed his marchings and counter-marchings, and "escaladed the place at as many points as he chose," he says [*the conviction of?*] "the practicability of a successful attack on Gibraltar always became more and more easy to me." Such an opinion, carrying a certain plausibility, proceeding from an ex-Governor, would, if propounded by any other man than Sir Robert Gardiner, excite serious interest, if not the gravest apprehensions.

Having alluded to, 1st, The completion of the Breakwater along the extent of the sea-line within the Bay; 2ndly. The making secure, by scarping, all points naturally open to escalade; 3rdly. The making secure the North Front; Sir Robert Gardiner, in his clear, felicitous style proceeds to say—

" The *two first points* would have been my *first*

" object.* The Breakwater completed, and the
" accessible parts of the Rock sufficiently scarped,
" I would have confidently depended on the un-
" flinching character of British troops for the
" defence of the old ruinous sea-wall, giving my
" attention, in the meanwhile, to an entire reforma-
" tion of the North Front.

" 4th. The North Front secured, the Breakwater
" completed, and all practical natural approaches
" from the sea being rendered inaccessible, I would
" have proceeded with the restoration of the sea-line
" now in progress.

" I remember the security of the North Front was
" a disputed question among scientific military men
" before the English army had the experience of the
" Peninsula sieges.

" The barrier at the Bay side could not resist the
" attack of a storming column above a few minutes,
" a communication would then be opened to the
" glacis of Land Port. The outworks, which are
" mere *places d'armes*, neither enclosed or tenable,
" would fall at once. The covert way of Land Port
" gained, the ditch of the Grand Battery would,

* The only parallel to this, is the story of an Irish orator, who, in complaining of his compulsory attendance in Parliament at London, whilst he was wanted in Dublin, exclaimed, "He did not know how he could be in two places at once, *unless he was a bird*."

" from thence, be easily descended, and the exterior
" works of the Water Port Front be cut off.

" The possession of the Covert way and Water " Port Ditch, besides cutting off the exterior works " of the Water Port from the body of the place, " would enable the enemy to escalade simultaneously " at as many points as he chose, the escarp of the " Grand Battery, the North Bastion, Water Port " Curtain, Montague Bastion, and the Curtain " connecting Montague and Orange Bastions.

" In turning over in my mind the chances of such " an enterprise, I have repeatedly visited and dis- " passionately examined these points, for the purpose " of satisfying some doubt, and always with a *wish* " to discover some new unforeseen insurmountable " difficulty. *But the practicability of what I have* " *stated always became more and more clear, and* " *appeared more easy to me.*

" If I should be asked by any person, merely " judging from a plan of the works, what would the " flanking batteries and upper lines be doing while " this work was going on? *I answer*, NOTHING *in a* " *dark night.*

" Other persons, impressed with the prestige of " the impracticability of Gibraltar, might fairly say, " what I have stated is mere matter of opinion, that " the enterprise would be madness, and the achieve- " ment impracticable. I can only answer to this,

" that, if Gibraltar was possessed and garrisoned by " troops of any other nation than England, I would, " in the present state of the North Front Defences, " *lead two columns to a simultaneous assault.* One " to take its chance of making its way into the body " of the place, over the parapet of the works at any " of the points I have mentioned, and the other to " possess itself of the Lines, *which it could do* by an " ascent far less formidable than that by which the " third division of the Duke of Wellington's army " escaladed the castle walls of Badajos.

" There would be severe work, doubtless, before " success was attained; but success, I maintain, is " attainable, *and with determined troops, under* " *leaders acquainted with the peculiar localities of* " *the place, could scarcely be doubtful.*

" The column possessed of the Lines, would easily " force the feeble barrier at the Moorish Castle. " The enemy would thus command the town, occupy " Willis's Heights, and take the whole of the northern " sea-line in reverse.

" Supposing that one or both columns of troops of " any nation should be successful in such an enter- " prise, there exists, I am persuaded, but one feeling " in the British army as to what their ultimate fate " would be."

What Sir Robert Gardiner really means by the last paragraph is past conception. In what way a suc-

cessful enterprise can, after all, meet with some unexplained disastrous "ultimate fate" requires something more than a non-professional understanding, to expound the oracle. After all Sir Robert Gardiner's "severe work" and incalculable sacrifice of human life, the upshot seems to be, just as a poetaster of 1720 described the vain attempts of King Philip V. to reconquer the Fortress:—

> "In vain they try the craggy steep to scale,
> And plant with cannon all the sandy vale;
> The fruitless toil at length the King declines,
> And walls he could not take, in grief resigns."

But there is Sir Robert Gardiner's scheme. I leave Lord Panmure, His Royal Highness the Duke of Cambridge, and the Inspector-General of Fortifications, to deal with the subject, as in their wisdom they may deem expedient. The public will form their own independent opinion.

I shall only say that the publication of such details seems to me highly reprehensible. As regards the recommendation to strengthen the Garrison by raising the complement of numbers from 3384 to 5000, that precaution has since been taken; but no merit or originality is due to Sir Robert Gardiner for telling us that the best defence of a Fortress is,—

> "Not high raised battlement or laboured mound,
> Thick wall, or moated gate, * *
> But men who their duties know;
> Who know their rights, and knowing, dare maintain."

"On scait que ce ne sont ni les Murailles, ni en general les Fortifications qui defendent les Places, mais les Hommes qui sont dedans. Cette maxime quoique très commune ne peut être trop répété. Car les ouvrages ne se defendent point d'eux-mêmes, et c'est la manière de s'en servir qui decide de leur valeur, et de leur bonté."

The recent mighty example of Sebastopol is not likely to be lost upon the military world.

It will be seen that Sir Robert Gardiner does not anticipate any attempt at a second "Sicilian vespers" at Gibraltar. This sarcastic mocking irony comes from the same pen which wrote, "The Jews even of the place, charge me with unconstitutional illiberality, *for not letting them burn the town down on their festival of the Tabernacles.*"*

The civil population of the place, of every religious denomination, will, I am sure, appreciate at its right value, Sir Robert Gardiner's equivocal testimony in favor of their loyalty. He adds, "I have, indeed, heard it asserted that the Spanish population here would, from interested motives, prefer the dominion of England to that of Spain. *But that must be nonsense.*" Yes! nonsense indeed. All his book is nonsense from beginning to end; and it is very evident that he has lived in Gibraltar, isolated by his pride in the Convent, without knowing anything of the real opinions, and feelings of those

Vide Parl. Paper, No. 130, Session 1854, p. 54.

around him, or of the sentiments of loyalty, which animated the people, he was sent to govern. All the reflection I shall make upon these grievous insidious libels, levelled against the civil population of Gibraltar, is, that, it is indeed to be deplored that her Majesty's confidence in conferring the administration of the Government of Gibraltar should have been so misplaced; and it is still more to be lamented, that the ears of the Queen's Ministers should be inaccessible, by reason of the existing form of government, to the opinions and prayers of the intelligent part of the people, in that Dependency.

CONCLUSION.

In bringing my Vindication of Civil Government against the attacks of Sir Robert Gardiner to a conclusion, I am unavoidably compelled to omit altogether, or to pass over rapidly, the consideration of several interesting points, connected with his Reports on the state of the Church at Gibraltar, the Police, the state of Crime and Moral Character of the People, &c. &c. &c., all which are disposed of by Sir Robert Gardiner, in his usual off-hand, mocking, superficial, and altogether unreliable manner.

The state of the Church at Gibraltar is introduced by a most doleful dirge in Sir Robert Gardiner's book. After a homily about Church and State, which casts Mr. Gladstone's speculations quite into the shade, Sir Robert Gardiner in a laboured campanological, horological *crescendo*, thus describes the present state of the Church at Gibraltar:—"The Cathedral funds, none! Communion plate, none!! Bells, none!!! Clock, none!!!!" And as a climax

of this dismal description of the decay of the Church, he adds, in a tone of pathetic distress, "Organ only half paid for, by a subscription of the community!" He winds up with saying, "Without the intervention of the Imperial Government, and relief from our financial embarrassment, I cannot attempt to pay the salaries of the organist and the verger, and provide for the future repairs of the Cathedral." Whether the Imperial Legislature, which is deaf to similar claims from New Zealand and other Colonies, and is in suspense about the abolition of Church rates at home, will listen to Sir Robert Gardiner's appeal, I leave my readers to judge. The principle involved in this question, the people of other British Colonies will probably decide for themselves.

Sir Robert Gardiner's official remarks on the State of Crime demolish at once, all his own rhapsodical arguments about the demoralization of Gibraltar. When alluding to the convictions in the Supreme Court, Sir Robert Gardiner, instead of giving us facts and figures, where they would establish his case, is forced to acknowledge, "that if few trials, and long intervals between the Sessions held by the Supreme Court, denoted absence of crime, there could be no spot on earth, with a community so impeccable as that of Gibraltar." But having made this ungracious and mocking admission, he flies off in a tangent, and says, that "crime *revolves* on

smuggling," &c. &c.; and thereupon, in a long diatribe on the Moral Character of the people, reproduces all his foul and groundless libels, against the community of Gibraltar.

He may rave about "*shifty adroitness* engendered by the notorious vicious traffic of the place;" but I must take leave to say, that the records of crime must be the true test of the morality of the inhabitants. These unequivocally refute all Sir Robert Gardiner's slanderous statements. Until he can rail the seal from off the maiden Records of the Supreme Court, he does but waste his breath, in casting aspersions upon a body of persons, who are excelled *longo intervallo* by "the shifty adroitness" exhibited with dogged viciousness, throughout every page of the book before me.

One notable scheme of Sir Robert Gardiner must not escape notice. I have shewn in what terms the champion for Spanish rights has proclaimed, that the English have no territorial jurisdiction, or national territory without the walls of Gibraltar. I have quoted at, I fear, a tedious length, the urgent remonstrances of Sir Robert Gardiner to treat Spain with "generosity, magnanimity, and strict honor," and above all, not to enforce any territorial jurisdiction in Spain, in violation of the terms of the Treaty of Utrecht.

Would it accordingly be believed, that Sir Robert

Gardiner, disregarding all he has said about "making Gibraltar England," actually proposed the following scheme to Earl Grey, in these terms:*—"GIBRALTAR BEING IN SPAIN, its population being ESSENTIALLY SPANISH, that England, for the evident advantage and convenience of the contiguous communities of Gibraltar *and the Campo of San Roque*, should have a temporary discretionary power of coining a limited amount of Spanish coin." He adds: "I know of no other means of effectually wresting the command (*sic*) of money, which the Jews and money-traders at present hold in Gibraltar."

This is the General and Statesman, too! who throughout has contended, that England does not possess one single square inch of national territory, or territorial jurisdiction without the gates, but nevertheless coolly proposes to his Government to usurp the highest prerogative of the Spanish Crown, and in his capacity of Governor of Gibraltar, demands the privilege to coin Spanish pillar dollars for the convenience of Spanish subjects in the Campo de San Roque and surrounding country, with a view, as he says, "of effectually wresting the command of money, which the Jews and money-traders at present hold in Gibraltar."

All I have to say, or suggest in this matter, is, that Sir Robert Gardiner should, at his own expense, be

* Vide Parl. Paper, No. 130, Session 1854, p. 87.

despatched to the Escurial, to make the proposal, and his reception would probably disabuse him of, at least, one of his errors. As regards the effect of his mad project upon the exchanges, it would be a waste of time to attempt to enlighten him, by informing him that the Spanish pillar dollar is worth at this moment seven shillings and threepence at Shanghae. Has Sir Robert Gardiner discovered the secret how to keep these coveted coins in Europe, and stay the efflux of the precious metals to the East? The extent of his folly must surely be now apparent to my readers. I fear that if he were brayed in one of his own mortars, it would not depart from him.

I shall pass over all Sir Robert Gardiner's disquisition upon our international relations with Spain. I have abundantly shown, that he is quite ignorant of the circumstances, under which Gibraltar was originally acquired, and that his ideal superstructure of hollow generosity, hollow magnanimity, and "hollow trade," resting upon the treacherous Treaty of Utrecht, fades, like the rest of his unsubstantial visions, before the light of impartial history. Our conduct towards Spain, during the last century, was, I admit, marked by signal iniquities. We not only wrested Gibraltar from its dominion, but we were charged, I fear but too truly, with having subsequently destroyed the Spanish fleet, without any previous declaration of war, or national ground of complaint. The English

Nation, however, vied with its Sovereign and with Parliament, in their efforts to keep this precious conquest. In 1726, when our claims were in serious jeopardy, addresses poured from all parts of England, couched in indignant language, beseeching the Throne to hold fast the acquisitions gained by the victorious arms of Great Britain, and to require specific renunciations from Spain of Gibraltar, "in consideration of the vast COMMERCIAL IMPORTANCE of that Fortress, which was so great A SECURITY TO OUR TRADE." Both Houses of Parliament re-echoed the patriotic sentiment in unmistakable language, and the answer of the King to their joint Address, in March, 1728, was: "I will take effectual care, as I have hitherto done, to secure my undoubted right to Gibraltar." The subsequent siege, forty years afterwards, in General Elliot's time, and the re-establishment of previous treaties at the conclusion of that war, conferred upon England a fresh title to her acquisition.

If, however, we committed wrongful acts towards Spain in the past century, in the present, we have driven out a mighty enemy from her soil, and as far as our efforts could avail, preserved her independent position amongst the nations of Europe. In that glorious enterprise Sir Robert Gardiner had the honor to participate. Why should he sully his military fame by political tergiversation? We have also in later years contributed, both by a quadrupartite

treaty, and by the auxiliary efforts of the British arms, to maintain the dynasty of the reigning sovereign of Spain—Queen Isabella. Our good deeds must expiate our misdeeds; and it is to be hoped, that, when final judgment shall be passed upon the conduct of England, the recording angel will, in forgiveness, wipe away the stain which rests upon our earlier history connected with Gibraltar, and "say nothing at all about the matter." Whilst, however, we deplore our guilt, but retain the spoil, it is indeed the rankest hypocrisy, to affect to bewail any adventitious injury which may result to the fiscal interests of Spain, having its origin in the anxiety of the Spaniards to secure the commercial advantages, which are inseparable from the contiguity of Gibraltar to the Peninsula.

To effect an impossibility has been the object to which Sir Robert Gardiner has misdirected his efforts. While fixed to the Rock of Gibraltar, his mind "was centred in Madrid;" and after wasting a vast amount of fruitless officious toil, he finds himself altogether baffled. This is naturally the result of his intermeddling ambition. He has set himself up as the self-constituted English Ambassador, and aimed at discharging diplomatic functions at Madrid, instead of attending to his governmental duties at Gibraltar. His successor, Sir James Fergusson, has adopted a wiser course. This gallant officer has attended to the material improvements of the place. He has

interested himself in extending the Wharfage accommodation; he has promoted the erection of Baths and Washhouses; he has projected the introduction of gas for lighting the streets, and has entitled himself, by these, and other improvements, to the thanks, and commanded the respect of the inhabitants.

One single word more respecting the Revenue of Gibraltar, to which I entreat attention. Sir Robert Gardiner wrote to Earl Grey, Colonial Secretary of State, on the

" 11*th October*, 1850.

" The Revenue of Gibraltar being in a great part derived
" from sources alike independent of fair trade or smuggling,
" can only be partially affected by *their* fluctuations."

Having laid down the above dogma categorically, when the " Agitators " of Gibraltar, more than two years afterwards, referred to the alleged decline of the Revenue, there being then no official accounts published, Sir Robert Gardiner, with the highest indignation, scouted the idea, and refutes " the Hampdens and Chathams of Gibraltar," by writing thus to the Duke of Newcastle:—

" 21*st March*, 1853.

" Nor must the members of the House of Commons be
" allowed to be led into error, and made to believe that the
" Revenue of Gibraltar is declining. I will take and state, as
" illustrations to them on this subject, the amount of Revenue
" actually collected in the year previous to my assuming the
" government; it amounted to £28,002 : 18 : 1¾, while that col-

" lected in the year 1851 amounted to £28,388. The favorable
" balance is small, but it refutes unanswerably the statements
" of declining revenue."

Forgetting his dogma that the Revenue of Gibraltar was independent of fair trade, he again writes to the Duke of Newcastle on the

" 18*th June*, 1853.

" It is a great satisfaction to have it in my power to inform
" your Grace, that there has been, within the last nine or ten
" months, a slight but evident improvement in the Gibraltar
" trade, and CONSEQUENTLY a proportionate increase of
" Revenue."

To crown all these irreconcileable and contradictory statements, he finally writes, in the course of the present year, to Lord Palmerston :—

" That, as a Fortress, Gibraltar *was impregnable in prestige*,
" AND AFFLUENT IN REVENUE; that, as a Colony, IT WAS
" INSOLVENT IN REVENUE; overwhelmed with an excess of
" Alien Population, and become an arena of Civil Agitation for
" Colonial Government. The two great evils, Insolvency of
" Revenue and excess of Alien Population, can only be reme-
" died by removing the causes from which they have their rise.
" The excess of population has its rise in the increase of smug-
" gling."

It is almost superfluous to waste words with such a "Court reasoner," an epithet, as applicable now, as in the last century about Gibraltar affairs.

As regards the "Alien Population," I have resented this insulting designation, and have demon-

strated by facts and figures, that the population of Gibraltar, instead of augmenting, is declining, and has decreased very considerably from its highest point of numbers about thirty years ago.

Corroborated in every point by Dr. Baly, I have pointed out that the Regulations respecting Quarantine, and the interruption of intercourse with Spain for sanitary purposes, have little or no connection with either the facilitation, or suppression of smuggling. Accordingly, all Sir Robert Gardiner's unaccountable delusions upon these subjects, and the alleged morganatic alliance, which he says subsists between them, have no foundation in truth, or actual experience. It is, besides, quite preposterous to imagine that Spain will be prevailed upon to relinquish her well-framed Quarantine Laws, by such arguments as are employed by Sir Robert Gardiner.

I need scarcely trace, step by step, the origin of Civil Government at Gibraltar. After its conquest no Englishman, having capital to lose, would consent to live in a perpetual state of siege, declared not by a foreign enemy, but by a military despot. The first Commission for the erection of a Civil Court at Gibraltar passed the Great Seal on the 20th September, 1720. It was a copy of the Letters Patent in force at Tangiers during the previous reigns. It conferred a jurisdiction for £300, the Judge-Advocate being Chief

Judge, who nominated two merchants to act concurrently with him. Such was the attachment of our ancestors to Civil Institutions, that it was seriously contemplated, at the time, to erect a Municipality at Gibraltar with a Mayor, Aldermen, Sheriffs, and Town Council, to be chosen annually by the people: What would Sir Robert Gardiner say to that?

On the 14th December, 1722, the Attorney and Solicitor-General, Sir Robert Raymond and Sir Philip Yorke, recommended the Crown to issue a new Commission. It was objected, that the former, prepared in haste, in order to secure certain outstanding debts in jeopardy, conferred upon the Judge-Advocate the nomination of two merchants, which was "too great a power to be lodged in one single person, especially with one of the officers of the Garrison, who was subject to the command of the Military Governor, and, *upon that account, the more improper*." The Law Officers of the Crown added, "that a more extensive Civil Jurisdiction would very much contribute to the advantage of Trade in general, and TO THE SATISFACTION OF ALL." * The siege of 1727, and the subsequent war with Spain, prevented the issue of the Commission prayed for, until August, 1752, when the Military of the Garrison were brought within the pale of the law, to the great relief of the officers, who previously had been fright-

* Vide Lansdowne MSS.

fully oppressed. One of them was actually "broke" for buying a turbot in the market-place, in violation of the Governor's illegal, anti-free-trade regulations. I have reason to believe this was in Governor Bland's time. The dry recital of these historical facts, drawn from the most authentic records in existence, overthrows all Sir Robert Gardiner's crude and rashly-hazarded theories. It leaves him without a single inch, whereon to build any more of his military Châteaux en Espagne. It proves, from dearly-bought practical experience, that officers and soldiers have quite as great an interest in the maintenance of civil authority at Gibraltar, as have any other classes of the Queen's subjects.

The administration of justice in Gibraltar is, therefore, wisely placed upon the broad and deep foundation of Civil Jurisdiction and established Law. To conceive, that, with a view to secure an imaginary saving of a thousand a-year, which, under existing arrangements, would go to the Consolidated Fund, any Minister of the Crown could propose to subvert the Civil Institutions of Gibraltar, is the climax of absurdity. We may rest certain, that no such attempt will be made during the constitutional Reign of Her Majesty Queen Victoria; so that the COLONIA LIBERTINORUM, as Livy describes Gibraltar, is secure I hope, of a long lease of uninterrupted enjoyment of at least, Civil Liberty.

The Taxation of Gibraltar is a subject of greater delicacy. But so long as the instructions of the Duke of Newcastle, under the Queen's authority, are attended to, "that, when Drafts of Ordinances are published preliminary to their enactment, and individuals or bodies—such as the Exchange Committee—proffer their advice respecting them, such advice ought to be received with respect, and considered with care," the serious objections which exist against the present form of government in Gibraltar, will not be urged, except in terms of deferential remonstrance. In "unsuspecting confidence," the people of Gibraltar rely upon the superintending legislative protection of the Imperial Parliament of England, which, when appealed to, as "to the throne of Heaven,"* will not suffer them to be treated unjustly, or to be taxed by an arbitrary mode, different from that which prevails, throughout all other British Colonial possessions.

I have performed my task. I have, I hope successfully, vindicated the cause of civil government, against the injurious and unlicensed attacks of Sir Robert Gardiner. I am firmly attached to the institutions of my country. I wish to see them transplanted, and firmly rooted, with all their pristine vigour, in every Colony and Dependency of the

* Vide Burke's Speech on American Taxation.

British Empire. I reverence the constitutional precepts and patriotic sentiments inculcated in a political primer, which is still read with delight by most Englishmen. I have learnt that "a clear, unblemished character, comprehends not only the integrity that will not offer, but the spirit, which will not submit to an injury; and whether it belongs to a community, or an individual, it is the foundation of public and private honor, peace, and security." Animated by this feeling, I have stepped forward to exonerate the Merchants of England, and especially those trading to the Mediterranean, from the grievous imputations cast upon them. Whilst Sir Robert Gardiner has been employed in compassing, in imagination, the capture of Gibraltar, divulging to the secret enemies of England the "weak points" of that renowned Fortress, at the same time covertly undermining the Judicial Institutions of the place, and striking alike at friend and foe, it has been my nobler duty to defend the citadel of Civil Government, and in uncompromising antagonism against a bold, resolute, and reckless military assailant, to maintain inviolate the FREEDOM OF THE PORT OF GIBRALTAR.

APPENDIX.

APPENDIX.

A.

(Referred to, page 34.)

In Colonel Joseph Bennett's "Remarks on Gibraltar," in 1712, the Manuscript of which is in the British Museum, he says:—

"That in a short time after the place was declared an open port, many people came from all parts to reside in it, and gave any money for houses, both in large fines, and heavy monthly rents, upon which the garrison by degrees were removed out of their quarters, and put into the very worst and ruined houses of the town, for to make room for strangers, and the engineer obliged to fit up, and repair those houses out of the money appropriated for the fortifications, of which I often complained, and thereby have drawn the governor's displeasure upon me, inasmuch that he has threatened to hang me, to break my bones, and given me the lye. It is likewise observed that if any commanding officer of regiments, or companies do complain of the badness of their quarters for themselves or soldiers, and that the men are often killed and disabled by the falling of their quarters, and lodge so close that it may occasion a sickness in the place, they are either snubbed, or looked upon as disaffected to the Governor's interest, and scarcely dare an officer keep them company whilst in disgrace. The Jews come daily in great numbers from Barbary, Leghorn, and Portugal to inquire into every particular circumstance of the place, and have their correspondents abroad; those from Barbary have raised the price of provisions to a very great degree; and indulged by their paying high fines and rents, so that they have some of the best houses in the town, and thinking to ease them-

selves of these taxes and great rents, have complained to the Court of Mequinez. The true reason that Gibraltar was made a free port was the Emperor of Morocco having received complaints of the Moorish Jews in Gibraltar, would not allow timber, lime and bricks, &c., for the fortifications, until the Queen made it a free port, as well for Moors as for Jews. The Emperor of Morocco said this in a letter to me when I went to Barbary with the Queen's letter to procure those materials. This original letter was sent to Earl Dartmouth, and a copy to the Master of the Ordnance."

B.

(Referred to, page 38.)

The most recent authoritative opinion, on the subject of English Law becoming at once in force, in a territory acquired by conquest, will be found in a speech of the late Duke of Wellington, reported in Hansard, 3rd July, 1849, when the question was raised in the House of Lords, with reference to our acquisition of the States of Runjeet Singh. The Duke said:—

" It was a wise and politic arrangement to require the Maha-
" rajah should be a party to the cession of his territories, and also
" all his properties, landed or personal, movable or immovable.
" I say it was wise and desirable, that he should make a political
" Cession by a Political Act of these properties, besides that of
" the Military Act of occupation of the territories, and the
" seizure of the movable property by the military force under
" the authority of the Governor General; that was, in my opinion,
" a wise and politic arrangement. BUT IT DOES NOT SIGNIFY
" IN WHAT MANNER THE PROPERTY CAME INTO THE
" POSSESSION OF THE CROWN. I conceive it to be liable to all
" the provisions of the law of England from the moment it
" comes into possession of the Governing Authorities."

The best text writers discussing the fundamental principles of the English Courts to which the laws and other acts of the subordinate government in an English dependency (and especially of

one acquired by conquest or cession) must conform, make a distinction between a conquest of a kingdom from a Christian king and the conquest of a kingdom from an infidel. The laws of the dependency of a Christian country remain, unless *mala in se*, until abrogated. Also, if a king hath a Christian kingdom by conquest, as Henry II. had Ireland, after John had given unto them, being under his obedience and subjection, the laws of England for the government of that country, no succeeding king could alter the same without the consent of Parliament. By the decision of the Privy Council in 1722, the Council decided that until the laws given by the conquering prince, the laws and customs of the conquered country shall hold place, unless these are contrary to our religion, or enact anything which is *malum in se*, or are silent: for in all such cases the laws of the conquering country shall prevail.

The first case of importance in which the doctrines on the subject of arbitrary power exercised by Governors of a Dependency acquired by conquest, were considered, is that of Fabrigas *v.* Mostyn, in 1773. This was an action for an assault and false imprisonment, brought in the Court of Common Pleas by Mr. Anthony Fabrigas, a native of Minorca, against Lieutenant-General Mostyn, the Governor of the Island. The facts proved at the trial were, that Governor Mostyn had arrested the plaintiff, imprisoned him, and transported him to Spain, without any form of trial, on the ground that the plaintiff had presented to him a petition for redress of grievances in a manner which he deemed improper. Mr. Justice Gould, who had the cause, left it to the jury to say, 'Whether the plaintiff's behaviour was such as to afford a just conclusion, that he was about to stir up a sedition and mutiny in the garrison, or whether he meant nothing more than earnestly to press his suit, and so endeavour to obtain redress for what seemed to him to be a grievance. If they thought that the latter was the case, he informed them that the plaintiff was entitled to a verdict, and entitled to recover in the action."

The following remarks of the counsel for the defendant in this trial contain a plain, unblushing expression of the feeling, that

a Dependency is to be governed, not for its own interest, but for that of the dominant state:—

" Gentlemen,—It will be time now for me to take notice, as I have gone so far into the general history, of another circumstance, which is notorious to all the gentlemen who have settled in that island, as well governors as the other military gentlemen who have been there, that the native inhabitants of Minorca are but ill-affected to the English, and to the English Government. It is not to be much wondered at. They are the descendants of Spaniards; they consider Spain as the country to which they ought naturally to belong; and it is not at all to be wondered at that these people are not well-disposed to the English, whom they consider as their conquerors. A strong instance of that happened at the time of the invasion of Minorca by the French, when the French took it, which I believe was in the year 1756—the beginning of the last war; and it is very singular, that hardly a Minorquin took arms in defence of the island against the French—the strongest proof in the world that they were very well pleased at the country being wrested from the hands of the English. The French did take it, as we all very well know; but, thank God, we have it again. Of all the Minorquins in that island, perhaps the plaintiff stands singularly and most eminently the most seditious, turbulent, and dissatisfied subject to the crown of Great Britain, that is to be found in the Island of Minorca. Gentlemen, he is, or chooses to be, called—the Patriot of Minorca. Now, patriotism is a very pretty thing among ourselves, and we owe much to it; we owe our liberties to it; but we should have but little to value, and perhaps we should have but little of the liberty we now enjoy, were it not for our trade. And for the sake of our trade, it is not fit we should encourage patriotism in Minorca; for there it is destructive of our trade, and there is an end of our trade in the Mediterranean if it goes there. But here it is very well; for the body of the people they will have it; they have demanded it; and in consequence of their demands they have enjoyed liberty, which they will continue to posterity; and it is not in the power of the government to deprive them of it. But they will take care of all

our conquests abroad. If that spirit prevailed in Minorca, the consequence of it would be the loss of that country, and of course of our Mediterranean trade. We should be sorry to set our slaves free in our plantations!"

The jury gave a verdict for the plaintiff with £3000 damages. An application was made for a new trial, which was refused by the whole court.

Lord Chief-Justice de Grey made the following remarks:—After having described the imprisonment of Fabrigas by Governor Mostyn in Minorca, he proceeds thus—

"He is then confined on board a ship, under the idea of a "banishment to Carthagena. I do believe Mr. Mostyn was led "into this under the old practice of the Island of Minorca, by "which it was usual to banish. I suppose the old Minorquins "thought fit to advise him to this measure. But the Governor "knew that he could no more imprison him for a twelvemonth, "than that he could inflict the torture; yet the torture as well "as banishment was the old law of Minorca, which fell, of "course, when it fell into our possession. Every English "governor knew that he could not inflict torture—the constitu-"tion of this country put an end to that idea."

Governor Mostyn afterwards brought a Writ of Error in the King's Bench, which, after full argument, confirmed the judgment of the Court of Common Pleas.

The Court of Common Pleas appears to have treated the Governor of Minorca as not possessed of a legislative power. Lord Chief-Justice de Grey says:—

"One of the witnesses in this cause represented to the jury "that in some particular cases, especially in criminal matters, "the governor resident upon the island does exercise a legis-"lative power. *It was a gross ignorance to imagine such* "*a thing*. I may say that it was impossible that a man who "lived upon an island in the station he had done, should not "know better than to think that the governor had a civil "and criminal power vested in him. In the island the Governor "is the King's servant; his commission is from the king; and

" he is to execute the power he is invested with, under that " commission, which is to execute the laws of Minorca under " such regulations as the king shall make in Council."

Lord Mansfield adds the following remarks upon the legal responsibility of a Governor:—

" To make questions upon matters of settled law, where there " have been a number of actions determined which it never entered " any man's head to dispute; to lay down in an English Court of " Justice such monstrous propositions as that a governor, acting " by virtue of letters patent under the great seal, can do what he " pleases; that he is accountable only to God and his own con- " science; and to maintain here that every governor in every " place can act absolutely; that he may spoil, plunder, affect " the bodies and liberties of the people, and is accountable to " nobody, is a doctrine not to be maintained; for if he is not " accountable in this court, he is accountable no where. The " king in council has no jurisdiction of this matter; they cannot " do it in any shape; they cannot give damages; they cannot " give reparation; they cannot punish; they cannot hold plea in " any way. Whenever complaints have been before the King " in Council, it has been with a view to remove the Governor; it " has been with a view to take the commission from him which " he held at the pleasure of the crown. But suppose he holds " nothing of the crown—suppose his government is at an end, " that he is in England, they have no jurisdiction to make repara- " tion to the party injured; they have no jurisdiction to punish in " any shape the man who has committed an injury. How can " the arguments be supported, that, in an empire so extended " as this, every Governor, in every colony and in every province, " belonging to the crown of Great Britain, shall be absolutely " despotic, and can be no more called in question than the King " of France! and this after there have been multitudes of actions, " in all our memories, against Governors, and nobody has been " ingenious enough to whisper them, that they were not amen- " able."

C.

(Referred to, page 43.)

GIBRALTAR.

Official Returns of the Births, Deaths, and Marriages, Revenue and Expenditure, Shipping, with Declared Value of British and Irish Produce exported to Gibraltar, in the various years specified, as extracted from the Blue Books, published in August, 1856.

No. 1.

Number of Births, Deaths, and Marriages, in each year from 1850 *to* 1854.

YEARS.	BIRTHS.	DEATHS.	MARRIAGES.
1850	468	394	95
1851	414	465	122
1852	490	378	113
1853	456	453	117
1854	409	491	130

No. 2.

Total Revenue and Expenditure in each Year from 1850 *to* 1854.

YEARS.	REVENUE.	EXPENDITURE
	£	£
1850 - - -	28,941	28,009
1851 - - -	28,388	28,537
1852 - - -	28,752	28,384
1853 - - -	28,795	28,640
1854 - - -	28,986	28,305

No. 3.

Amount of various Branches of the Public Revenue in each Year from 1850 *to* 1854.

Branches of Revenue.	1850.	1851.	1852.	1853.	1854.
	£	£	£	£	£
Duty on Wines - -	3,421	3,436	3,294	2,993	2,457
„ on Spirits -	7,300	7,444	7,142	6,907	7,665
Rent of Tavern Licences	1,147	1,082	1,137	1,318	1,200
„ of Wine Houses -	2,187	2,152	2,263	2,293	1,974
Auction Fees - -	901	875	764	604	958
Ground and House Rent	4,131	3,779	4,802	4,278	4,798
Rates and Duties of the Port Department -	5,475	5,352	5,196	6,427	6,158
Miscellaneous - -	4,379	4,268	4,154	3,975	3,776
Total -	28,941	28,388	28,752	28,795	28,986

No. 4.

Amount of the various Branches of the Public Expenditure in each Year from 1850 *to* 1854.

Branches of Expenditure.	1850.	1851.	1852.	1853.	1854.
	£	£	£	£	£
Government - -	5,013	5,013	5,013	5,013	5,014
Colonial Secretary's Department - - -	2,045	2,157	2,105	2,107	2,101
Judicial „ -	3,301	3,287	3,303	3,327	3,311
Revenue „ - -	3,518	3,643	3,578	3,574	3,580
Police „ -	4,544	4,515	4,388	4,467	4,494
Port „ - -	3,885	4,275	3,803	3,840	3,986
Miscellaneous - -	5,703	5,647	6,194	6,312	5,819
Total -	28,009	28,537	28,384	28,640	28,305

No. 5.

Declared Value of British and Irish Produce Exported from the United Kingdom to Gibraltar.

	£		£
1841	1,053,367	1848	751,948
1842	937,719	1849	533,480
1843	1,176,737	1850	388,141
1844	1,049,767	1851	481,286
1845	768,973	1852	510,889
1846	605,693	1853	670,840
1847	466,845	1854	754,357

No. 6.

Number and Tonnage of Vessels Entered and Cleared, from and to various Countries, in each Year from 1850 to 1854.

Countries.	1850.		1851.		1852.		1853.		1854.	
	Vessels.	Tons.	Vessels.	Tons.	Vessels.	Tons.	Vessels.	Tons.	Vessels.	Tons.
	ENTERED.									
United Kingdom - -	391	92,906	360	100,082	412	117,262	495	151,712	571	161,465
British Colonies - -	68	10,439	70	12,851	44	7,618	49	10,300	117	26,063
United States - -	26	5,873	37	8,715	30	7,321	27	6,124	48	9,652
Foreign States - -	3,065	295,368	2,986	301,474	2,707	305,602	3,200	474,187	2,937	392,380
Total - -	3,550	404,586	3,453	423,122	3,193	437,803	3,771	642,323	3,673	589,560
	CLEARED.									
United Kingdom - -	602	138,799	648	161,231	700	177,292	1,202	311,336	571	217,873
British Colonies - -	64	10,360	89	19,086	69	14,572	52	11,424	92	22,243
United States - -	72	18,366	65	15,650	67	19,767	106	31,045	120	31,017
Foreign States - -	2,590	219,235	2,636	227,090	2,318	223,980	2,370	280,542	2,635	310,240
Total - -	3,328	386,760	3,438	423,057	3,154	435,611	3,730	634,347	3,598	581,463

Note.—No Tables of Imports and Exports can be prepared from the Accounts received from Gibraltar.

D.

(Referred to, page 65.)

The following details, from one of the numerous pamphlets published in London, during the last century, respecting Gibraltar, will furnish a tolerable notion of the state of society, and of the model military Governors, so lauded by Sir Robert Gardiner.

The author, writing in 1749, cotemporaneous with Governor Bland's reign, says:—"For forty years a good Governor has not been found in Gibraltar, and *most likely never will.*"

Col. Congreve is specially mentioned. The author says:—

"This gentleman set most of the bad examples which his "successors have too well imitated. He forced some people out "of their houses, others, on various pretences, out of the garri-"son, and then disposed of their possessions. Seventeen officers "exhibited their complaints to the Secretary of War, and were "all suspended; but the Governor was displaced, and was suc-"ceeded by Col. Cotton, a deputy of Lord Portmore."

Upon which the author remarks:—

"It may not be amiss to observe, in defence of these gentle-"men, that military governments at a distance from the seat "of empire are much worse executed by the subject of a "free state, than by those under absolute monarchies. Cotton "was an expensive man. He improved upon Congreve's plans "in every act of oppression, and had, like the tyrants of old, "his dungeons and other apparatus to drain the purses of "the poor foreign inhabitants; but began too early with the "English, he having taken it for granted that every person "in the garrison was his slave, and every house his estate; "but raising his demands too high, a spirit of rebellion broke "out at last which had nearly dethroned him. The English "who are not military are few, and those not submissive enough "to suffer themselves to be spunged out of what they get, and "are therefore properly discountenanced, and in their place Irish "Papists and such kinds of itinerary riff-raff find cordial favour.

" What the place costs us, in point of reputation, is hardly seen, " as it appears what bad masters we Britons make, when we come " to govern, though as subjects we reason for liberty. In short, " a poor sutling woman who was possessed of a house in right of " her husband in the original constitution, being turned out for " refusing to answer Mr. Cotton's extraordinary demands, took " shipping to England, where she prosecuted her claim, upon " which he was obliged to follow her ladyship home, and make " it up with her the best way he could, which being done, she " returned again in triumph to Gibraltar.

" Godby followed, but retired. His successor, Bowes, plun- " dered merrily for some time, as Cotton's deputy, and shared " the plunder with persons at home. The market was anni- " hilated. Contractors were appointed, and the following " account, furnished by a correspondent at Gibraltar, will suggest " to what extent the Governors' peculations were carried:—

THE GOVERNOR'S ANNUAL PERQUISITES.

To 5000 Butts of Wine, at $2	$10,000
To 1000 Ditto Brandy and Rum, at *5d.* per gallon	9,765
To 1200 Ships' anchorage, at $3	3,600
To 60 Jews and Genoese Porters, at $3 per month	2,160
To Christmas-boxes from Jews, &c.	1,000
To Permits for entering the Town	1,000
To Jews, Hawkers, and Pedlars	500
To Wine Licenses	600
To Ground-Rents	10,000
To Mediterranean Passes to Foreigners	1,000
To occasional Munerations and Squeezings	2,000
As principal Goat-herd	500
As Cowkeeper and Milk-herd	500
As Head Butcher	4,000
As Poulterer	500
As Chief Baker	1,000
Carried forward	$48,125

Brought forward......	$48,125
As Head Gardener, besides tythes in kind	500
As Master Fisherman	500
To Public Jobs, Wharfage, &c.	2,000
As Tallow-chandler and Coal-merchant	2,000
To Hospital Supplies	400
To Watering of Merchant Ships for the Levant ..	200
To Governor's Allowance for provisioning Master and Boat's Crew	
To his Share of the Garrison Pay	
To his Salary as General	
To his Pay and Perquisites as Colonel	
£10,745, at 4s.=	$53,725

" Filling up the blanks at £2000 a-year, the total will be £12,745. Every master of a ship must tender something genteel at his first audience. And computing the profits as merchant and interest in prizes, the aggregate total emoluments of the Governorship of Gibraltar cannot be less than £20,000 ! per annum." An enormous sum in those days.

Abuses multiplied. The officers suffered as much as the civilians. Memorials were presented by both, upon which the Governor declared it to be mutiny and disaffection.

The writer having described the high-hand proceedings of the military at Gibraltar in the time of Governor Bland, speaks with joy and exultation of the public proclamation of the Articles of War, in which it was declared that " No OFFICER OF SOLDIER should do violence to any person who brings provisions or other necessaries to the camp, garrison, or quarters of our forces employed in foreign parts ON PAIN OF DEATH."

A hope was expressed by the civilians that these severe measures, adopted by the Home authorities, would stop the military abuses which prevailed. Matters, however, went on from bad to worse. The Articles of War sent out from England were rendered nugatory by local counter-regulations; and the author

says:—" the whole art of plundering is so magically conducted, " that it never comes to the ear of His Majesty, nor is laid before " the Legislature. If an officer complains, he is broke; if a " merchant, he is kicked out of the town; if a housekeeper, he " is dispossessed; if a foreigner, he is dungeoned and stript; " and if a Barbary Jew, he is transmitted to a brother Bashaw at " Tetuan, where, perhaps, he is hanged outright. So that these " poor creatures, that are endeavouring to encourage commerce, " are crucified between two Thieves. Whatever may be the " prejudices of mankind in other respects as regards the Jews, " it is well known that trade flourishes wherever they resort, and " I think our merchants are not behind them, in either spirit or " industry."

The author winds up thus:—

" What horrid outrages have been there acted! The least " crime hurries a Wretch out of the gates, where he has often " been exposed to the inclemency of the elements for months, till " he can find a proper sum of money to expiate his crime. This " is so frequent with the foreigners who reside there, that we see " them hurried away with hardly any emotions of pity. What " scenes of misery have poor people been drove to by the inhuman " barbarity of a merciless and unrelenting tyrant!"

These are extracts from a work published in 1749, and may be presumed to apply to Governor Bland, and, indeed, to all his predecessors!

These are the model Governors upon whom Sir Robert Gardiner would again confer irresponsible power. These are the high-minded inflexible gentlemen to whom he would confide the guardianship, safety, and honor of the renowned fortress of Gibraltar. How true is Montesquieu's maxim,—" Give a man absolute power, it is an eternal law that he will abuse it."

E.

(Referred to, page 74.)

ORDER IN COUNCIL,

To empower the GOVERNOR OF GIBRALTAR *to grant* CERTIFICATES *or other* PAPERS *in favor of Vessels* REGISTERED AT GIBRALTAR, *wholly belonging to persons actually residing there.*

At the Court, at Buckingham Palace,
The 19th June, 1850,

PRESENT—

THE QUEEN'S MOST EXCELLENT MAJESTY,
HIS ROYAL HIGHNESS PRINCE ALBERT,

Lord President,	Earl Grey,
Lord Privy Seal,	Lord John Russell,
Duke of Norfolk,	Viscount Palmerston,
Lord Steward,	Sir John Hobhouse, Bart.,
Lord Chamberlain,	Sir George Grey, Bart.,
Marquess of Abercorn,	Mr. Chancellor of the Exchequer.

[The first clause declares that the Order in Council of the 30th September, 1825, and all the regulations and provisions therein contained, shall be, and the same are, hereby revoked and absolutely repealed.] The second clause runs:

And it is further ordered, that it shall and may be lawful for the Governor, Lieutenant-Governor, or person administering the Government of Her Majesty's Garrison and Territory of Gibraltar, on application to him for that purpose made, to grant and issue, without the intervention of the Commissioners for executing the office of Lord High Admiral, Certificates or other Papers or Instruments to, or in favor of any Ship or Vessel which is duly registered at Gibraltar, or which wholly belongs to persons actually residing at Gibraltar, and entitled to be owners of British Ships there registered, for the purpose of investing with a National

character, or of placing under the protection of Her Majesty, any such Ship or Vessel.

And the Right Honourable Earl Grey, one of Her Majesty's Principal Secretaries of State, and the Commissioners for executing the office of Lord High Admiral of Great Britain, are to give the necessary directions herein as to them may respectively appertain.

BATHURST.

F.

(Referred to, page 82.)

EXTRACT OF DR. BALY'S REPORT

UPON THE SUBJECT OF

QUARANTINE AT GIBRALTAR.

Proposed Alterations in the Quarantine Regulations.

"At present quarantine is performed, not on the shore in Gibraltar, but in the Bay itself; the passengers arriving from England in steamers are transferred to hulks provided by the companies to whom the packets belong. The character of these hulks is a subject of complaint on the part of persons detained in them. Those passengers who arrive at Gibraltar from Southampton in the Peninsular and Oriental Steam-packet Company's ships are transferred to the hulk which serves as a depôt for coals for the steamers of that company; they enter through the coal store on the lower deck; after ascending to the quarter-deck are lodged in very confined and ill-furnished cabins, and are necessarily much crowded together.

"There is no provision for the separation of persons recently entered, from those who have already passed some days in quarantine; so that these must be liable to have their time of detention almost doubled. This state of things is not seemly, and if quarantine be enforced by the Government, more fitting accommodation

ought to be provided. Moreover, the present arrangement is unsafe; for if disease arose in the ship, it would, owing to the crowding at night, and the want of accommodation, be almost sure to spread; and the sick would be exposed to the want of necessary comforts and to an ill-chance of recovery, while the spread of the disease in the hulk would be attended with peril to the crews of the ships in the harbour and even to the inhabitants of the town.

"I think it most desirable that a lazzaretto should be provided on shore for passengers, the hulks being used only for merchandise and heavy luggage. The lazzaretto should be so constructed that persons arriving at different times could be kept separate, and should have, at a proper distance from the main building, a hospital for sick persons. It might be made self-supporting during the existence of quarantine, so that the only expense to Government need be the cost of first construction, and of the care of it at times when it is not in use.

"With regard to the site of this proposed lazzaretto, I consulted with the Captain of the Port, Captain Grey, and with Colonel Rose, of the Royal Engineers, and others. Two sites had been pointed out to me, one, the Glacis, close to the North Port, between the lagoon or "inundation" situated there, and the fortifications at the foot of the rock; the other, a part of the Neutral Ground, close to the Bay, and just within the British Lines, and near to a jetty which already exists. The latter situation is decidedly the preferable one, because it is sufficiently distant from the town, which the other is not; and because its situation would be such that any disease introduced would more speedily cease; it being completely open to the wind, and the experience of former epidemics having shown that inhabitants and troops encamped there did not suffer—that disease did not spread amongst them. Such a lazzaretto would be useful at times when quarantine was not in force, if any pestilence arose in the town, for it would then serve either as a hospital for the reception of the sick, or as a house of refuge for the poor inhabitants of any locality in the town in which the epidemic might be raging.

"It can scarcely be necessary for me to explain, that in sug-

gesting the provision of this lazzaretto, I do not at all contemplate the making Gibraltar a foul lazzaretto station, or any alteration in the present quarantine laws with regard to the plague and yellow fever.

"The case of troops ariving from England must be provided for in a different manner. The placing them on the Neutral Ground would be liable to objections of various kinds; but the southern portion of the rock presents ample space for them, and great facilities for keeping them isolated. At 'Europa,' a building called the 'Europa Mess-house,' but originally built for a hospital, already exists, which would accommodate 300 men temporarily, and if an entire regiment arrived, the remainder might be received either into barracks on Windmill Hill, or in the summer season might be sheltered for a few days in tents.

"The troops might be landed in Rosia Bay, and be marched up to Europa or Windmill Hill, without any communication with the population of Gibraltar, and when they had reached the place fixed upon for their quarantine quarters, their insulation might be easily maintained by a few sentries.

"This mode of dealing with the case of a body of troops arriving from England while quarantine is in force has been already here practised, and, quite irrespective of the views and wishes of the Spanish Government, it would be right to keep for a time in a state of isolation any body of troops coming from a country known to be infected with cholera, more especially if the disease had shown itself among them during their passage; for it is admitted, even by the decided opponents of quarantine, and of the contagion theory, that the infection of cholera may be conveyed by a body of men, though not by individuals. In the elevated and open situations in which it is proposed that troops under these circumstances should be temporarily quartered, all infection would soon be checked.

"To this mode of carrying out quarantine with regard to troops arriving at Gibraltar, there is no reason to think that the Spanish Government would offer any objection; but, if it did object, the British Government might stipulate that the permanent interrup-

tion of intercourse with Spain should not be the consequence; but that the cordon at the isthmus should be imposed only for a limited number of days.

"It remains only to add, that military officers arriving without troops, and civil officials, might pass their term of quarantine either in the Mess-house at Europa, or in the proposed lazzaretto at the Neutral Ground.

Conclusion.

"Having thus laid before your Grace the results of my inquiries on the subject of quarantine at Gibraltar, with the suggestions for such alterations in the present system as appear to me desirable, I shall conclude my report by a brief recapitulation of the points which seem to deserve attention in the future arrangements at Gibraltar, or in negotiations with the Spanish Government.

"1. It is most desirable for the interests of all classes of persons at Gibraltar that when Spain places England in quarantine the communication between the former country and Gibraltar should be kept open.

"2. For this purpose it is necessary that the Board of Health of Gibraltar should in principle conform to the quarantine regulations of Spain in regard to cholera.

"3. The nature of these regulations should be made the subject of negotiation and agreement with the Spanish Government; with the view of obtaining a reduction in the term of quarantine, and the admission of certain modifications in the system which the military requirements of Gibraltar may render necessary. For the former object the resolutions of the Congress on Quarantine, held at Paris in 1851, might be taken as the basis of the negotiation, and especial attention should be directed to the time occupied by the voyage in the case of ships arriving with clean bills of health and with good health on board.

"4. Persons arriving at Gibraltar from England during the existence of quarantine, should no longer be subjected to the unnecessary discomfort, and even danger attending their detention

in hulks. But a lazzaretto should be provided on the Neutral Ground for their reception.

" 5. Troops arriving under the same circumstances should be landed at Rosia Bay, and marched direct to the quarters on Windmill Hill, or at Europa, where they might be kept isolated from the other inhabitants of the Rock during the term of quarantine.

" 6. It should be part of the agreement with the Spanish Government, if this arrangement should be unsatisfactory to them, or if in any case it were not satisfactorily carried out, that the consequence of the landing of troops should be only a temporary interruption of intercourse between Spain and Gibraltar, namely, for only so many days as would be sufficient to show whether cholera had been introduced by the troops.

" 7. Whenever intercourse between Spain and Gibraltar is interrupted in time of peace, the only occasion on which this could occur being the prevalence of an infectious epidemic in Gibraltar, the kind of market called a 'pallenque' should be established at the Lines, for the supply of provisions to the inhabitants of Gibraltar. And this should, by agreement with the Spanish Government, be made a permanent rule.

" 8. The liability of Gibraltar to epidemic disease and the extreme danger that would arise if, during such an epidemic, the Spanish Government deemed it right to interrupt intercourse with the place, render it essential that great attention should be paid to the sanitary condition of the town."

G.

(Referred to, page 85.)

ORGANIC ROYAL SPANISH ORDER.

Uniform system of Quarantine on Vessels coming from Countries infected, or suspected of being infected with Cholera.
(Circular.)

Si al recorrer en 1848 el colera-morbo Asiatico el norte de Europa, se dictaron todas aquellas medidas de precaucion, que

aconsejaba la prudencia, con el objeto de evitar los estragos terribles de tan funesta epidemia, en la actualidad, que de nuevo aflige á varios estados, y que acaba de invadir la Inglaterra y la Bélgica, amenazando nuestro territorio en frecuente comunicacion con aquellos, se hace necesario no solo recomendar unas disposiciones, cuya bondad tiene acreditada la esperiencia, sino dictar otras nuevas, que cierren en lo posible, la entrada del terrible contagio en la Peninsula Española. Este proposito puede hoy realizarse con mejores condiciones de acierto, y con menos perjuicios en la contratacion, teniendo á la vista el resultado que ofrecieron las reglas dictadas en 1848, los conocimientos y adelantos obtenidos desde esta epoca y mediante la solicitud del Gobierno sobre el origen, naturaleza y propagacion del cólera, asi como las variaciones proximas á introducirse en nuestro actual sistema cuarentenario, por resultado de los conferencias sanitarias recientemente celebradas en Paris. Bajo estos principios, yreconocida la conveniencia y la necesidad de establecer ciertas reglas fijas á que se atengan estrictamente las juntas sanitarias del litoral, una de los mayores ventajas que con la presente resolucion habran de obtenerse, es la de evitar continuas reclamaciones que se dirigen contra las espresadas Juntas, por la varia aplicacion de los reglamentos vigentes. A cuyo fin, la Reina (Q. D. G.), conformandose con el parecer del consejo de sanidad, se ha dignado acordar las disposiciones siguientes :

Primera.—Son de patente sucia: 1° Los buques procedentes de puertos donde á su salida se padesca el colera-morbo Asiatico; 2° Los que procediendo de puertos libres de esta enfermedad cuando salieron, hayan hecho escala ó arribada en algun puerto donde se padezca; 3° Los que en la traversia hayan tenido roce con otro Buque de los comprendidos en las dos anteriores declaraciones; y 4° Los que hallandose en algunos de las circunstancias precedentes hayan sufrido, tan solo en puerto estrangero una cuarenta de observacion, sin descarga y espurgo de los generos y efectos.

Segunda.—Son de patente apestada: Los Buques á que se refieren las disposiciones precedentes, cuando concurran en ellos

algunos de estas circunstancias ; 1ª Haber tenido enfermo ó muerto del cólera-morbo en la travesia, cuando no hayan trascurrido treinta dias desde el fallecimiento ó curacion del ultimo; 2ª Tener á bordo algun cólerico al tiempo de su arribada; y 3ª Su invadido de la enfermedad algun pasagero ó tripulante mientras dure la cuarentena.

Tercera.—Son de patente sospechosa: 1° Los Buques precedentes de puertos que, hallandose libres del cólera al tiempo de su partida tienen comunicacion franca con otros puertos en que la enfermedad existe ; 2° Los que procedan de puertos que se hallan en libre comunicacion con puntos del interior en que reina el cólera-morbo, cuando distan menos de treinta legnas; y 3° Los comprendidos en un territorio que el gobierno declare sospechoso.

Cuarta.—Los Buques de patente *sucia* sufriran diez dias de cuarentena en los lazaretos de Mahon, y de Vigo. Los de patente *apestada,* sufriran quince dias de cuarentena en los mismos lazaretos. Los de patente *sospechosa* que arriben á nuestros puertos en lastre, ó sin traer á su bordo géneros susceptibles de contagion, harán en cualquier puerto habilitado una observacion de tres á cinco dias, segun la mayor ó menor duracion del viage. Los mismos Buques de patente sospechosa que traigan á bordo generos ó efectos susceptibles de contagio, harán en los puertos de Barcelona, Palma, Valencia, Tarragona, Mahon, Alicante, Cartagena, Almeria, Málaga, Cadiz, Vigo, Coruña, Gijon, Santander, Bilbao, San Sebastian, y Santa Cruz de Tenerife, una cuarentena de observacion de cinco á ocho dias segun el tiempo invertido en el viage, con ventilacion al aire y espurgo de los generos y efectos.

Quinta.—Las cuarantenas correspondientes á las patentes *sucia* y *apestada,* se harán con todo rigor, y en conformidad á lo prevenido en la recopilacion de operaciones sanitarias del lazareto de Mahon, y á las demas disposiciones vigentes. Los dias de cuarantena han de ser completos ó de veintecuatro horas, y empezarán á contarse para los Buques desde que terminen la descarga, y para las personas desde su entrada en el lazareto. Las cuarantenas que corresponden á la patente sospechosa, se harán

igualmente observando en lo posible lo disquesto en la mencionada recopilacion.

Sexta.—Los Buques de patente sucia que acrediten haber hecho en lazaretos estrangeros una cuarentena menor que la exigida en España, con descarga y espurgo de los generos y efectos, solamente sufrirán los dias de cuarentena que les faltan.

Setima.—A las embarcaciones que entren en nuestros puertos por arribada forzosa, se les facilitarán cuantos auxilios necesiten, pero conservandolas siempre en la mas estrecha incomunicacion, hasta que puedan hacerse á la vela, y sujetarse al trato que corresponda á su patente.

Octava.—Cualquiera duda que ocurra respecto á la imposicion de las cuarentenas será resuelta por las juntas de sanidad con presencia: 1° De la patente, rol, manifiesto y demas papeles; 2° De las noticias oficiales que tengan, bien sea del gobierno, bien de nuestros agentes consulares residentes en el estrangero, ó en fin de otras juntas; y 3° De las noticias estraoficiales que adquieran por los periodicos, por cartas particulares, ó por viageros.

Novena.—Los gobernadores de las provincias maritimas cuidarán de que las Juntas de sanidad de los puertos ejerzan la mayor vigilancia con los barcos pescadores, no permitiendoles pasar mas de una nocre en la mar, ni que tengan roce detenido con otro Buque.

Decima.—Tambien cuidarán los gobernadores, con exquisito celo, del cumplimiento de estas disposiciones, haciendo castigar cualquier infraccion sanitaria, y poniendo en conocimiento del gobierno las faltas que cometan los empleados de sanidad.

De Real Orden lo dijo á V. S. para su inteligencia y cumplimiento.

Dios Guarde a V. S. muchos años, Madrid, 8 de Nov^bre^ de 1853.

(firmado) San Luis.

H.

(*Referred to, page* 103.)

EXTRACT OF PROCEEDINGS OF THE HOUSE OF COMMONS.

18 *Mars*, 1728.

The House took into consideration the Report of a Conference with the Lords on Wednesday last, wherein the Lords desire their concurrence with a resolution of their Lordships, as follows :—

" *Die Martis*, 18° *Martii*, 1728.

" Resolved, by the Lords Spiritual and Temporal and * * * * [" Commons" afterwards inserted in the blank] assembled, that they do entirely rely upon His Majesty that he will, for the maintaining the honor and securing the trade of this kingdom, take effectual care in the present treaty to preserve his undoubted right to Gibraltar and the Island of Minorca. The translation of his late Majesty's letter to the King of Spain, dated 21st June, 1721, was read. The translation is as follows :—

" Sir, my Brother. I have learnt, with great satisfaction, by the report of my Ambassador at your Court, that your Majesty is at length resolved to remove the obstacles that have for some time delayed the entire accomplishment of our Union. Since, from the confidence which your Majesty expressed towards me, I may look upon the Treaties which have been in question between us, as re-established, and that accordingly the instruments necessary for the carrying on the trade of my subjects, will have been delivered out, I do no longer balance TO ASSURE YOUR MAJESTY OF MY READINESS TO SATISFY YOU WITH REGARD TO YOUR DEMAND TOUCHING THE RESTITUTION OF GIBRALTAR; promising you to make use of the first favorable opportunity to regulate this article with the consent of my Parliament; and to give your Majesty a further proof of my affection, I have ordered my Ambassador, as soon as the negociation with which he has been charged shall be

finished, to propose to your Majesty new engagements, to be entered into in concert and jointly with France, suitable to the present conjuncture, not only for strengthening our Union, but also for securing the tranquillity of Europe. Your Majesty may be persuaded that I, on my part, will show all the facility imaginable, promising myself that you will do the same for the mutual benefit of our kingdoms.

" Monsieur
" Mon Frère,
" de votre Majesté
" le bon Frère,
" GEORGE R."

" *At St. James's*,
" *21st June*, 1721."

I.

(Referred to, page 107.)

The 10th Article of the Treaty between Queen Anne and Philip V., signed at Utrecht, 13th July, 1713, copied from the translation published by authority:

" The Catholic King does hereby, for himself, his heirs, and successors, yield to the Crown of Great Britain the full and entire Propriety of the Town and Castle of Gibraltar, together with the port, fortifications, and forts thereto belonging: and he gives up the said Propriety to be held and enjoyed absolutely with all manner of right for ever, without any *exception and impediment whatsoever*. **But that abuse and frauds may be avoided by importing any kinds of goods, the Catholic King WILLS, AND TAKES IT TO BE UNDERSTOOD, that the above named Propriety be yielded to Great Britain** *without any territorial jurisdiction, and without any open communication by land with the country round about.* [The words printed in black type are wholly omitted by Sir Robert Gardiner, and those in italics are so garbled as to alter the original meaning of the passage.] Yet whereas the communication by sea with the coast of

Spain may not at all times be safe and open, and thereby it may happen that the garrison and inhabitants of Gibraltar may be brought to great straits; and as it is the intention of the Catholic King only that fraudulent importations of goods should as is above-mentioned be hindered by an inland communication, it is therefore provided that in such cases it may be lawful to purchase for ready money, in the neighbouring territories of Spain, provisions and other things necessary for the use of the garrison, the inhabitants, and the ships which lie in the harbour. But if any goods be found imported by Gibraltar, either by way of barter for purchasing provisions, or under any other pretence, the same shall be confiscated, and complaint made thereof, those persons who have acted contrary to the faith of this treaty shall be severely punished. And *Her British Majesty, at the request of the Catholic King, does* CONSENT *and* AGREE that no leave shall be given under any pretence whatever, either to Jews or Moors, to reside or have their dwellings in the said town of Gibraltar, and that no usage whatsoever shall be allowed to any Moorish ships of war in the harbour of the said town, whereby the communication between Spain and Ceuta may be obstructed, or the coasts of Spain be infested by the excursions of the Moors. But whereas treaties of friendship and a liberty and intercourse of commerce are between the British and certain territories situate on the coast of Africa, it is always understood that the British subjects cannot refuse the Moors and their ships entry into the port of Gibraltar purely upon the account of merchandizing. Her Majesty the Queen of Great Britain does further promise that the free exercise of the Roman Catholic religion shall be indulged to the Roman Catholic inhabitants of the aforesaid town, and in case it shall hereafter seem meet to the crown of Great Britain, to grant, sell, or by any means to alienate therefrom the Propriety of the said town of Gibraltar, it is hereby agreed and concluded that the preference of having the same shall always be given to the crown of Spain before any others."

The first clause of a treaty, signed on the 10th July, 1729, at Fez, between Great Britain and Morocco, stipulates—

"That all Moors or Jews, subject to the Emperor of Morocco, shall be allowed a free traffic to buy and sell for 30 days in *the*

CITY *of Gibraltar*, or Island of Minorca, but not to reside in either place, but to depart with their effects, without let or molestation, to any part of the said Emperor's dominions."

The second article of the treaty of Guaranty, signed between the Emperor of Germany and Philip V. of Spain, at Vienna, May 1st, 1725, is couched in the following terms:—

"Whereas it has been represented by the Minister of the Most Serene King of Spain that the restitution of Gibraltar, with its harbour, has been promised by the King of Great Britain, and that the King of Spain doth insist that Gibraltar, with its harbour, and the Island of Minorca, and the Port Mahon, be restored to His Catholic Majesty, it is declared by these presents, on the part of His Sacred, Imperial, and Catholic Majesty, that he will not oppose the restitution, if it be effected in an amicable manner, and that if it be thought necessary, he will make use of all good offices for that purpose, and if the parties desire it he will also act in the affair as mediator."—*Vide Jenkinson's and Herstlet's Treaties.*

K.

(Referred to, page 112.*)*

The following statement, extracted from a publication drawn up by one of the gentlemen who came as a Deputation to England, in 1853, gives a clear and succinct account of the proceedings of the Governor at that period. To the intrepidity and energy of the writer, a merchant at Gibraltar, may be ascribed much of the success, with which Sir Robert Gardiner's machinations were defeated:

"In the year 1853, H. E. (Sir Robert Gardiner, the Governor of Gibraltar) put a construction upon the Orders in Council for the collection of Her Majesty's Revenues, which had never been, until that time, considered to be the meaning thereof. The Orders in Council concerning Her Majesty's Revenues, were until that time deemed to be confined to the Garrison and Territory. H. E.

without taking the opinion of the Crown adviser upon the subject, enlarged their construction by extending the operation of the Orders in Council to the Port of Gibraltar. The consequence of this new construction was to suspend all the trading operations in Wine in the Bay of Gibraltar, and to subject people to the payment of fines and duties, never until then imagined, or exacted. H. E. at this time was labouring under the extraordinary delusion, that the sale of Merchandise in Gibraltar to Spaniards and others was illicit, because the purchasers perhaps subsequently introduced the Merchandise purchased in Gibraltar clandestinely into Spain. This trade H. E. on many occasions denounced as illicit, and expressed his determination to suppress it, but H. E. found no doubt great difficulty in carrying his views into effect so long as the Freedom of the Port remained inviolate. H. E. having thus interfered in this manner with the established laws, and having, through the medium of the "Gibraltar Chronicle," made known his intentions of destroying the trade of the place, Meetings were held and Memorials addressed to the Secretary of State on the conduct of H. E. and a Deputation appointed to wait on his Grace the Duke of Newcastle, who was at that time Colonial Secretary. The Deputation had an interview with his Grace, who expressed his disapprobation of the conduct of the Governor and subsequently wrote to H. E. a Despatch on the subject, which was generally deemed satisfactory, although many points are not much noticed by his Grace. One particular fact, the murder of a man within a few paces of a British Sentinel and of British Territory, is passed over with scarcely a remark, his Grace not being apparently aware that such an act was an infringement of the Comity of Nations, and a violation of the sovereignty of British Territory. The Capture of a Boat by Spanish Revenue people in the very waters of Gibraltar is also passed over without comment, this being one of the grossest cases of the violation of the sovereignty of Territory ever recorded. The Despatch, however, was deemed satisfactory, although many weighty points are also passed over; the Right of Public Meeting among the number."

L.

(Referred to, page 112.)

I have taken the greatest pains to enquire into the truth of the allegations made by Sir Robert Gardiner about the MARIA, DOLORES, and CARMEN, and respecting the occurrence stated to have happened on the 5th February, 1853.

With regard to the MARIA, the facts are correctly stated. But Sir Robert Gardiner himself referred the case to the Naval Officer in command, and through his interference the vessel was released from its blockade in Tetuan. It is quite clear that the interference of the English naval commander to rescue an English vessel, blockaded in a neutral port, was proper and justifiable, and Sir Robert must have thought so, or it would not have been done. The case of the DOLORES rests much upon the same principle. As regards the deplorable affair of the CARMEN, in which the name of Don José Playa, " a merchant of Gibraltar," is gibbeted by Sir Robert Gardiner, as owner of the cargo, I have the unequivocal assurance from the best authority, that Don José Playa is entirely ignorant of the vessel, and that he had not the slightest interest in her cargo. This contradiction being given, all the allegations of Sir Robert Gardiner fall to the ground, and are shewn to be as untrustworthy as his other statements.

With respect to the alleged occurrence said to have happened on the 5th February, 1853, I give here Sir Robert Gardiner's version:—" A smuggling vessel, with a freight of contraband, sailed " from Gibraltar on the above date.

" She had not proceeded far on her course, when she perceived " she was pursued by the ELULO, a Spanish Guarda Costa from " Algeçiras, and with difficulty she regained the port.

" The owner, a daring character, landed the cargo, and re- " embarked it on board the MARIA, a larger vessel, re-inforced " the crew, and at nightfall he again left the port, but not to " proceed to sea.

" He coolly crossed to ' Sandy Bay,' an anchorage between
" Algeçiras and Cabarita Point, where he found anchored the
" ELULO Guarda Costa. He immediately fired a volley into
" the vessel; killed one man, and wounded two others. He then
" lowered the boats, boarded and took possession of the vessel,
" and kept the crew prisoners till he had landed the whole of the
" cargo, and effected its secure delivery to the parties waiting
" for it.

" And this piratical and murderous outrage was committed,
" my Lord, under the British Flag, and by a Gibraltar vessel
" ' invested with a national character ' by a sailing passport given
" under the hand and office-seal of the Governor ! "

Upon this case of the 5th February, 1853, a competent authority writes to me from Gibraltar:—

" I cannot find a trace of the occurrence alluded to under the above date, but the following one took place on the same day. A vessel laden, called the MIGUEL, English flag, was returning from the eastward, the wind blowing strong from that quarter. At between 7 and 8 o'clock, A.M., off Europa Point, close in shore, she was met by the YLURO, a second-class Guarda Costa, carrying two 12-pounders, and a crew of thirty-five or thirty-six hands. Notwithstanding the proximity of the land, the YLURO fired a gun loaded with grape shot into the MIGUEL, which killed one man. This was seen by the artillery guard who fired a shot at the YLURO to warn her off. The commander took the hint. It is, however, certain, that the commander of the YLURO has never entered Gibraltar since. In the same year, he came to the races, held outside of the city on the Spanish side; he heard that it was intended to apprehend and try him for the offence, when he immediately decamped. I understand that there is not one of the smuggling vessels at all a match for the YLURO; the largest is perhaps ten, eleven, or twelve tons, at that period they were open boats of four to six tons; the CARMEN, MARIA, and DOLORES, are of this class. I must leave this affair to the captain of the YLURO, assisted by Sir Robert Gardiner, to be

explained by them. That there is a discrepancy, or an invention, is evident.

"What I have learnt from a Spanish official source is, that the Falucho YLURO is of the second class, forty-five tons register, armed with one 12 pounder gun, small arms, and a crew of thirty men. I have, however, every reason to believe that the YLURO usually carried two guns, and from forty to fifty men, with a supply of muskets, &c. Therefore, to think that a vessel of this class could have been boarded and taken possession of by a *Row-boat*, such as the MARIA and others blockaded at Tetuan and Tangiers, is absurd. The smugglers, at the period in question, were open row-boats, with sails, and necessarily of small tonnage for cargo."

My informant furnishes me with a vast number of cases, to show that Algeçiras is the resort of pirates and smugglers, where the most frightful deeds are sometimes perpetrated with impunity. I select the case of the RAYO, as it has been noticed elsewhere:

"During the Government of the late Sir Robert Wilson, a Schooner, Spanish Guarda Costa, called the RAYO, was seen one day chasing some vessels, and firing musketry at them within almost pistol shot of the shore, at the south end of the Rock. The artillery guard at the station warned the RAYO off, by firing a shot over her. This only produced derisive cheers from the crew. A second shot was sent a-head of the Schooner, which again had merely the effect of exciting fresh mockery, which was expressed in somewhat indecent gesticulations from the crew, at the supposed want of precision of the British artillerymen. A third shot fired in earnest, struck the vessel, which then sheered off, and proceeded towards Algeçirus, and when about half-way across was in a sinking state. A Portuguese craft sailing from Gibraltar, bound to Barbary with cotton, and other goods, went to the assistance of the Schooner, humanely rescued the crew, (the vessel sank,) and conveyed them to Algeçiras. On arrival the Portuguese ship was seized for having contraband cargo on board! This is no fiction, as Sir Robert Gardiner says, 'it is true to the letter.' The property on board of the Portuguese vessel belonged to Moors. The

Governor of Tangiers, as soon as he became cognisant of the occurrence, took a very sensible view of the case. He said to the Spanish Consul: "cause that property to be restored, or I shall hold you personally responsible for it." This argument had the desired effect. And Sir Robert Gardiner knows, as well as any man, and indeed admits, that decision when treating with the Spaniards is absolutely necessary; forbearance being only regarded as a proof of weakness.

"A vessel was once cut out of the Port of Gibraltar, scarcely one hundred yards from the Devil's Tongue Battery, by a Guarda Costa craft, at six o'clock on a bright summer morning, and carried off. So much for the protecting guns of Gibraltar! and respect of the British waters. It is easy to know who are the real pirates! The officers of the Guarda Costas have been frequently convicted in the Courts of Gibraltar for Piracies. But any reference to these crimes committed by Spaniards would not suit Sir Robert Gardiner. The interception of trading vessels to ports in Barbary and to Oran in Algeria is, up to this day, of frequent occurrence. The Spanish Revenue Pirates seize and detain them. They want booty, which, when they secure a prize, they share amongst the captors."

M.

(Referred to, page 122.)

Extract of the Secret Report of Sir Robert Gardiner to Earl Grey, dated Gibraltar, 11th October, 1850.

"Gibraltar, though now denominated a Colony, can never be so but in name. Its possession involves vast political association; but it is chiefly important to England from its military position and presumed impregnability. It is essentially a Fortress, and becomes each day more deeply and inseparably associated with the name and honor of England, above mere interests of any other consideration. England may lose or surrender other possessions,

but either loss or surrender of Gibraltar would, beyond indelible reproach, foretel decline of national power and greatness.

"The rock of Gibraltar, from the anchorage in the bay, has the appearance of being one connected position, rising, without interruption, from its base, encircled by a fortified fort and flanking fire. But, in reality, it comprises a succession of passes of broken ground and precipitous falls, that offer defensive positions along its whole length, and from its base to its highest summit. Gibraltar, therefore, if adequately garrisoned by British troops, would not be lost, even should the line wall be forced. But, if an enemy, regardless of sacrifice, should either by surprise, or great effort of force, overpowering a numerical weakness of the garrison, force an entrance, and, for a time, dispute those successive positions, the triumph of at length compelling him to lay down his arms would never compensate for, or excuse the irretrievable fault of, leaving a Fortress of this vast magnitude, character, and importance to the chances of an assault. My purpose, therefore, in the following observations is to demonstrate the fatal consequences of leaving this garrison for a period, however short, with an inadequate numerical force. I will first, however, submit to your lordship a few remarks on what I consider the weak points of Gibraltar as a Fortress. And, in doing this, I am sorry to say I shall show a difference of opinion with officers of known highest talent and professional judgment, who, as it appears to me, have too exclusively directed their views to the immediate restoration of the sea-line, without giving attention to points of equal necessary consideration, and, if not of equal weakness for want of repair, affording far greater facility and chance of access from the place, in the event of an attempted surprise. It is, however, merely a difference of opinion as to the order of time in which the defences should have been completed. It involves no question of system or principle of defence.

"I conclude that, in the preference given to the completion of the old works of the sea-line, a view must have been had to guard against the known facility created and afforded by steam in approaching defences like those of the sea-line of Gibraltar.

"There may have existed also some confidence as to the time that would probably be afforded for any great lengthened work, such as we have now in hand, from the apparent remoteness of all chances of war, and a feeling of security regarding the north front, from the impression, now become almost general, of the improbability of any future attack from the land side, even should war occur.

"Without placing myself in opposition in opinion with other officers, on any point of scientific consideration, I may say that *practically* I consider the Land Front of Gibraltar infinitely more accessible, and thus more dangerous, from the possibility, if not probability of surprise, than the sea-line. I say this advisedly, for I have known British troops overcome defences of greater natural and scientific difficulty than those I am about to notice.

"Every body who knows Gibraltar, and does not scrutinise its defences professionally, merely looking at its perpendicular height, excavated batteries, and concentrated fire of artillery on the narrow isthmus and causeway by which the enemy must advance, would deem any contemplation of successful aggressive approach, from the land side, as madness.

"It would be so in the face of day or regular investment by siege; but no experienced professional man who studies the place well will say that it is secure against a sudden attack of infantry.

"Had I been Governor of this Fortress, at the time the restoration of the works was under discussion, I should have urged attention to the following points:—

"1st. The earliest possible completion of a breakwater along the extent of sea-line within the bay.

"2nd. The making secure, by scarping, all points naturally open to escalade.

"3rd. The making secure the North Front.

"The *two first points* would have been my *first* object. The Breakwater completed, and the accessible parts of the Rock sufficiently scarped, I would have confidently depended on the unflinching character of British troops for the defence of the old

ruinous sea-wall, giving my attention, in the meanwhile, to an entire reformation of the North Front.

"4th. The North Front secured, the Breakwater completed, and all practical natural approaches from the sea being rendered inaccessible, I would have proceeded with the restoration of the sea-line now in progress.

"I remember the security of the North Front was a disputed question among scientific military men before the English army had the experience of the Peninsula sieges.

"The barrier at the Bay side could not resist the attack of a storming column above a few minutes, a communication would then be opened to the glacis of Land Port. The outworks, which are mere *places d'armes*, neither enclosed or tenable, would fall at once. The covert way of Land Port gained, the ditch of the Grand Battery would, from thence, be easily descended, and the exterior works of the Water Port Front be cut off.

"The possession of the Covert way and Water Port Ditch, besides cutting off the exterior works of the Water Port from the body of the place, would enable the enemy to escalade simultaneously at as many points as he chose, the escarp of the Grand Battery, the North Bastion, Water Port Curtain, Montague Bastion, and the Curtain connecting Montague and Orange Bastions.

"In turning over in my mind the chances of such an enterprise, I have repeatedly visited and dispassionately examined these points, for the purpose of satisfying some doubt, and always with a *wish* to discover some new unforeseen insurmountable difficulty. *But the practicability of what I have stated always became more and more clear, and appeared more easy to me.*

"If I should be asked by any person, merely judging from a plan of the works, what would the flanking batteries and upper lines be doing while this work was going on? *I answer,* NOTHING *in a dark night.*

"Other persons, impressed with the prestige of the impracticability of Gibraltar, might fairly say, what I have stated is mere

matter of opinion, that the enterprise would be madness, and the achievement impracticable. I can only answer to this, that, if Gibraltar was possessed and garrisoned by troops of any other nation than England, I would, in the present state of the North Front Defences, lead two columns to a simultaneous assault. One to take its chance of making its way into the body of the place, over the parapet of the works at any of the points I have mentioned, and the other to possess itself of the Lines, *which it could do* by an ascent far less formidable than that by which the third division of the Duke of Wellington's army escaladed the castle walls of Badajos.

"There would be severe work, doubtless, before success was attained; but success, I maintain, is attainable, *and with determined troops, under leaders acquainted with the peculiar localities of the place, could scarcely be doubtful.*

"The column possessed of the Lines would easily force the feeble barrier at the Moorish Castle. The enemy would thus command the town, occupy Willis's Heights, and take the whole of the northern sea-line in reverse.

"Supposing that one or both columns of troops of any nation should be successful in such an enterprise, there exists, I am persuaded, but one feeling in the British army as to what their ultimate fate would be; but the confident certainty of victory does not justify our neglect of means, which leaves it to an issue, however certain or triumphant. I would ask, ought a contest at any time, for the maintenance of Gibraltar, to take place within its walls, or should it be permitted to an enemy ever to have a chance of arriving there?

"The radical fault in the defences of the North Front is that they are limited to a single line, combining no cover or detached co-operative defence from outworks, so that an enemy falls at once on the body of the place. Hence arises a manifest necessity of guarding against surprise, even in times of the most profound peace, and this can only be done by adequacy of numerical force.

"My proposals to secure the points I have named, would be—

"1. By a strong casemated work at the northern extremity of the Queen's Lines.

"2. A work of similar description at the bay side barrier.

"3. By cutting a ditch, sufficiently wide and deep to prevent escalade, along the exterior base of the King's and Queen's Lines.

"4. To make the present outworks secure, by enclosing them to the rear.

"The defences of the North Front, as they now exist, would defy all open *daylight* attack; and I consider that with these additional works and precautions, without resorting to complex extensive defences, this Fortress could be made as secure against night surprise on the North Front, as it would be invulnerable if adequately manned at all other points.

"The time required for completing the works at present in progress will necessarily depend on the grants afforded by Parliament for that purpose. All the essential works of the sea-line, with the extent of means at present employed, will be finished in two years. The breakwater and some other projected works will, it is expected, be completed in two years. It is to be hoped that her Majesty's Government will, before that time, have taken into consideration the insecurity of the North Front, so that its correction may at once be undertaken. My first duty on assuming the government of Gibraltar, was to ascertain the appropriation and sufficiency of the military numerical force of this garrison; and, in my first official Report on that point, I endeavoured to represent the urgent existing necessity of augmenting the numerical strength of the garrison by another regiment of infantry and a large additional reinforcement of artillery.

"Without enumerating, in a general Report of this nature, the details by which I exemplified the deficiency of numbers in this garrison, I will merely observe here that we are at present far below our mark as to *prudence*. I say this in regard to the security of the place. But, in fact, not only is a fortress of a certain extent and power weakened by being inadequately manned, but the vital efficiency of the service itself suffers by that inadequacy.

" Nothing unhinges, and prevents the proper routine of duty, or is more prejudicial to perfect discipline than the slovenly habits and habitual neglect acquired by men accustomed to make shift-ways of doing duty. It prevents real liking for the service, and confirms them irreclaimably in a negligent imperfect system of duty.

" The garrison of Gibraltar, under the most confident assurance entertained of uninterrupted peace, should never be less than 5,000 men (including ten companies of artillery). We are now reduced to 3,384 men only, including officers, and the two Ordnance Corps of Artillery and Sappers and Miners.

" It is needless to say that these numbers, with the necessary allotment of troops for the defence of the garrison, in the distribution of corps at their alarm posts on the ramparts and batteries, would not allow of any portion as a reserve, in the event of an attack from without, possibly combined with insurrection within.

" With a view to the health of the men, every guard and sentry is now dispensed with, consistent with proper regard to the military security of the place.

" But, besides guards, the men are pressed with indispensable garrison and regimental piquets, and garrison and regimental fatigue parties, which allow too little time for their drill and instruction, and no time whatever for the infantry to acquire instruction in gun drill.

" Such must continue to be the state of things as long as Parliamentary restrictions render it impracticable to allot and permanently to maintain an adequate garrison at Gibraltar.

" The great strength of Gibraltar, adequately manned, does not justify the visionary illusion of its impregnability if left with inadequate numbers. In the calculation of chances that might occur, it never seems to be remembered that Gibraltar is a *Frontier Fortress*, with something near 12,000 aliens of the adjoining country forming part of its population, and who, for years to come (if ever they can possibly do so), can in no way identify themselves nationally with our possession of the place.

" We are also too willing and apt to flatter ourselves that the

facility of steam navigation would, under any sudden emergency, threatening the security of the Fortress, afford timely relief from England.

"This confidence in the power and uses of steam, which, at our distance from England, I think erroneous, has familiarized other people to question the impregnability of Gibraltar, and to calculate the means and chances of succeeding in its sudden seizure.

"The probability is, that the subjection of the Fortress or defeat of its assailants would be effected before we could communicate with England, certainly before the arrival of any required reinforcements from England. Be that as it may, Gibraltar should never be left to the contingency or chance of such danger; Gibraltar should possess its strength within its own walls, and that strength should be permanent as well as adequate, or its impregnability becomes no more than that of any other Fortress subject to the chances of war or peace.

"To all the cherished confidence of expediting timely reinforcements to Gibraltar under threatened danger; to the known difficulties an enemy would encounter on first arriving off the Rock; the chance impossibility of his getting out his boats, disembarking his ladders, and every other drawback common to such nature of service, I would further allow the delay that might arise from the flow of tides, of currents, and adverse winds; and yet I would say that an intelligent and bold leader could so manage and time a *combined* equipment and simultaneous departure from other shores, as to *precede* and elude all interception from any force to be first assembled and then hurried from England.

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"Our superiority at sea is another point on which we calculate for the certain security of Gibraltar.

"Our fleets on their element are invincible; but they cannot always bring their guns to bear in the direction or at the range they wish in the Bay of Gibraltar. I have seen two 74-gun ships, becalmed in the Bay of Gibraltar, haul off from the fire of a handful of Spanish gun-boats. Our boats were lowered and advanced to board them, but, as they approached, they kept retiring under the guns of Algeçiras, so that the noble ships had no alternative but to draw off from the fire of their puny assailants.

"I am not aware that I can offer your lordship any further observations, either on the defences, the numerical force, or the existence of leaders, courageous enough or mad enough to attempt a surprise or seizure of Gibraltar.

"I have, on another occasion, expressed my belief that Gibraltar is impregnable, if we do justice to its advantages from science, and its strength from nature. But, neglect these, and its impregnability ceases. Its prestige of impregnability does not rest alone in its known, natural, and scientific strength, but in its presumed perfect equipment and adequate numerical force. Gibraltar, no more than any other Fortress, could be left in safety, its batteries being imperfectly equipped and inadequately manned; and its importance to England should place it above all chances either of practicable or questionable surprise.

"There are considerations involving the safety of Gibraltar, which it is my duty to bring under your lordship's notice, no less important than those of military character.

"I do not anticipate any attempt at a second "Sicilian vespers" at Gibraltar. But we have a civil population in this garrison of 16,000 persons, the great part of which are connected with the adjoining country in family relationship, in national feeling, habits, and religion. There is also a floating population for ever fluctuating here, intelligent enough to comprehend combination of any nature or extent propounded to them.

"I have, indeed, heard it asserted that the Spanish population here would, from interested motives, prefer the dominion of England to that of Spain. But that must be nonsense. It is against nature

and patriotism, to which a Spaniard is particularly strongly alive, that they should do so. I have seen their national feeling roused by the slightest question of national association, and I am certain that, both in the vicinity of Gibraltar and among its population, there are many who entertain a deep unalterable feeling on its alienation from Spain."

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S204